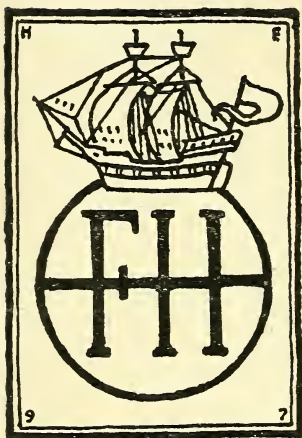


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The battle of Lake Erie.

pp. 27-194.

A
BIOGRAPHICAL NOTICE
OF
COM. JESSE D. ELLIOTT;
CONTAINING
A REVIEW
OF
THE CONTROVERSY BETWEEN HIM AND THE
LATE COMMODORE FERRY;
AND
A HISTORY
OF THE
FIGURE-HEAD OF THE U. S. FRIGATE CONSTITUTION.

Whose edge is sharper than the sword; whose tongue
Outvenoms all the worms of Nile; whose breath
Riles on the pestilential winds, and both belie
All corners of the world: kings, queens, and states,
Maid, matrons, ray, the secrets of the grave,
This viperous slander enters,

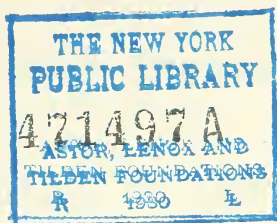
Cymbeline.

BY A CITIZEN OF NEW-YORK.

PHILADELPHIA:

PRINTED FOR THE AUTHOR.

1835.



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Preface.

TO THE CITIZENS OF PENNSYLVANIA.

A strong incentive to noble deeds is the belief of the performer, that, they will be recorded in the memories of his countrymen. More especially amid the toils and dangers of a military life, is it consoling to the hero and the patriot to reflect that his cotemporaries will approve his exertions for their welfare, acknowledge the purity of his motives, defend him from undeserved reproach, and bequeath his fame to posterity as a valuable legacy. Miserable indeed would be he whose profession is arms, who hourly puts his life in peril for his country's defense, if to the dangers of disease, mutilation or death, which attend him at every step, should be added the belief that his reputation, the most valuable of his personal rights, and the only one which he would not sacrifice, might become an offering to the voracious spirit of calumny.

The soldier, expiring in mortal agony upon the field which he has conquered or defended, the sailor, breathing out the current of life upon the deck on which he has struggled for his country's independence and honor, deserve, as some requital for being thus untimely severed from all the enjoyments or hopes of this world, that their characters should be justly dealt with. The patriot seeks not merely "the

bubble reputation in the cannon's mouth !" He is impelled by a holier motive ; he seeks a higher object. He lifts his arm for his country. He strikes, and he bares his bosom to the stroke of the foe, that she may be free, happy and honored. And when his heart has yielded prematurely to the stroke, or when he has escaped the battle-death to linger out the years of hoary age in disease or privation, shall his countrymen forget his services and sacrifices, and yield his fame, his only remaining possession, without resistance, to the knife of the assassin ? Base indeed would be the ingratitude of a people that would permit it, and cheerless the prospect of him who should devote himself to fighting their battles.

To you, citizens of Pennsylvania, especially belongs the fame of Captain Elliott. The blood of his father, poured out in fighting the battles of the United States, now adjures you from the ground to guard the fame of his children, whom, in his dying moments, he bequeathed as a legacy to his country. Captain Elliott is a citizen of your state, a participator in your civil rights, a sharer of your prosperity and adversity. His home, that spot where every good man's heart is anchored, is among you, and next after our glorious Union, his allegiance is due to the land of Penn.

You remember that *Justice* was the great principle on which your community was founded ; that *Justice* was the pillar of cloud by day and of fire by night, which guided the steps of the immortal philanthropist who first reared the banner of civilization upon your territory. You remember that *Justice* was the ruling

spirit of the compact between this great seeker of good and the children of the forest; a compact, which, to quote the words of a celebrated scholar of Europe, was *the only treaty ever concluded without an oath, and the only treaty never broken.*

And has *Justice* fled from the soil of Pennsylvania? Has the spirit of Penn ceased to animate her children? No! the temple which he raised to *Justice* yet stands unscathed; its altar is not yet overthrown or deserted; his precepts are not yet obliterated from the hearts of Pennsylvanians.

It can be shown that, without detracting from the merit of any one of the gallant and accomplished commanders who have gained imperishable renown for our navy and our country, Captain Elliott has been surpassed by none of them in bravery, skill and valuable public services; that without detracting from the courage or patriotism of the gallant and lamented Perry, our country is principally indebted to the self-possession and naval skill of Captain Elliott for the memorable victory of Lake Erie. It can be shown that in the choice of an ornament for the bow of the Constitution, Captain Elliott conformed to the directions of the Navy Department, and was actuated by a spirit of enlightened and liberal patriotism, and an amiable wish to gratify the citizens of Massachusetts; and that in thus adorning the Constitution against the remonstrance of the "Whig" party of that State, he acted with due regard to the directions of the Navy Department, to the honor of our country, to the respect due to the laws and the constituted authorities,

and to the rights and dignity of his official station. It can be shown that the proceedings of this "Whig" party against Captain Elliott originated in political animosity, and were intended to drive him from the command of the navy yard at Boston because he was a Democrat of the old school, and to excite opposition to our venerable and patriotic President, and to the national administration.

Pennsylvanians ! The character of Captain Elliott is your birthright ; the lustre of his deeds is shed upon yourselves. The story of his services, his sufferings and his wrongs is now before you ; and in the belief that it will rouse your righteous indignation against a faction that would have sacrificed his fame to its unhallowed purposes, and in the hope that it will incite you to award him *Justice*, it is respectfully inscribed to you by

THE AUTHOR.

Philadelphia, 1835.

(Russell Jarvis.)

THE LIFE
OF
COMMODORE ELLIOTT.

CHAPTER I.

Introductory remarks. Birth of Captain Elliott. His entrance into the Navy. Attack on the Chesapeake Frigate. War with Great Britain. Operations on the Northern Frontier. Capture of the Detroit and Caledonia.

THE foes to human liberty, of which, unfortunately, the world contains too many, have often said that republics were ungrateful. That nations are so, without regard to their form of government, is indeed a truth of which history furnishes many melancholy examples. But that republics are particularly so, is an assertion more easily made than proved, and which, it is believed, originates more frequently in the malevolence of those who wish them ill, than in the sufferings of those who find them ungrateful. Error may sometimes lead an enlightened people astray: and those who have spent long and weary years in toiling or combatting for "the greatest good of the greatest number," may be victims of the delusion. They may then, for a time, languish in cold neglect, or writhe under more active demonstrations of public displeasure. But an enlightened people will not be always unjust. There is a principle

of human nature, the principle of benevolence, which will eventually lead them back from their errors, and impel them to atonement. This principle may be, and often is suspended, but is never extinguished, even in the savage. Passion or interest may pervert or restrain it ; but when these cease to govern, it flies back, like the bow unbent, to its original position. This principle will prevent enlightened republics from being long ungrateful, and offers an assurance to the author of the following pages, that his humble attempt to defend a meritorious public servant from calumny, will be patiently, if not thankfully received.

Perhaps the most fruitful source of that ingratitude which is often imputed to, and sometimes witnessed in republics, is *the spirit of faction*. To this spirit they are all liable, for it is the necessary evil of constitutional governments. It is an evil, even in its mildest form ; even when most tempered by a sense of justice ; even when most restrained by the consideration that all cannot think alike, and that differences of opinion result from the wisely organized constitution of human nature. But when permitted to overpower such restraints, it becomes an evil of great magnitude, resulting not only in perversion of judgment and feeling, but in perversion of conduct. It then leads not only to "envy, hatred and malice, and all uncharitableness," but to fraud and violence.

The officers of our army and navy, when keeping within the sphere of their duties, and deporting themselves with that integrity, modesty, gentleness, kindness, and politeness, without which no man is a gentleman, and which render one a gentleman in any rank or station, are not proper objects of party spirit, especially when appearing in the malignant and ferocious guises in which it now seems to delight in showing itself. They belong to the *nation* ; not to any of

the fragments or factions or cabals into which the *nation*, under any delusion of the moment, may choose to tear itself. For the *nation's* defense, they have chosen a profession, which, more immediately than any other, exposes them to disease, mutilation or death. At the *nation's* call, they must meet promptly and without delay, the cannon of the foreign foe, the dagger and the firebrand of the pirate, the lightning and the tempest, and "the pestilence that walketh in darkness." They should therefore be regarded as the *children* of the *nation*, in the broadest, most liberal, most enlightened, most respectful, and most affectionate sense of the term. But while thus belonging to the whole nation, they should not be denied, more than any other citizens, the right of modestly and temperately expressing their opinions upon public men and measures. They certainly have no small stake in the honor and prosperity of the country for which they put their lives in peril, and can serve it more efficiently when understanding its affairs like enlightened men, than when reduced to mere machines, with no ideas beyond killing and being killed. To suppose that in a country like ours, a naval or military officer can have no political partialities, can perceive no difference between one measure of public policy and another, or between the qualifications of one and another set of men for public trust, is to suppose him too low in the scale of rationality to be worthy of the American uniform. May that uniform never cover ignorance! May the sword of the United States never be wielded, unless by a hand guided by enlightened reason!

But while our naval and military officers should be regarded as the children of the *nation*, the *nation* itself should not forget the duties of a parent. If they owe to it allegiance, and the daily and hourly hazard of their lives, it owes to them protection in all their

rights, personal and official, and above all, in the right of character. To men belonging to a profession of which the very soul, the very vital principle is *honor*, the right of character is valuable above all others. It should never be unjustly assailed with impunity. Punishment, the punishment of public censure, should always follow the assault.

The history of Commodore Elliott, in defense of whom the following pages are submitted to an enlightened, a candid and a generous public, forcibly illustrates the depraved character of faction ; forcibly displays the facility with which it can forget the most valuable public services, break the most sacred ties, and trample upon the courtesies and decencies of civilized society. Long since have attempts been made to impeach his fame ; to tear from his brow the wreaths earned by arduous and valuable public services. Oftentimes has his fame been successfully vindicated. But the vindication seems to have served no other purpose hitherto, than to stimulate the spirit of calumny ; for after every defeat, his assailants, with punic perseverance, have redoubled their efforts for a new contest. It is time "*to carry the war into Africa.*" Or, to change the figure, it is time to explore the fountains whence flows this Nile of slander ; and if they cannot be stopped, to confine the noisome stream within its banks, and prevent it from continually overflowing, and poisoning the public mind.

Jesse Duncan Elliott, a citizen of Pennsylvania, and the son of a Pennsylvanian, was born in Maryland, in the year 1785. His father, Robert Elliott, of Franklin county in Pennsylvania, was a commissary in the service of the United States, and was slain by the Indians near the Muskingum in 1794, while conducting supplies to the army of General Wayne. By a resolution of Congress, the sum of two thousand dollars was granted to his widow and children. In

1804, two of these children, of whom the present commodore is one, while prosecuting their studies at Carlisle in Pennsylvania, preparatory to entering the profession of law, were appointed midshipmen in the navy; Mr. Jefferson informing them that the appointment was partly in consideration of the services and sacrifices of their father, in the employment of the nation. The United States being then at war with the Barbary powers, Mr. Elliott sailed for the Mediterranean as a midshipman in the frigate *Essex*, commanded by Captain James Barron.

Returning to the United States in the spring of 1807, he was transferred to the frigate *Chesapeake*, also commanded by Captain James Barron, and was a midshipman on board of that ship when it was attacked by the *Leopard* in June, 1807. In January 1808, he was summoned as a witness before the Court Martial held at Norfolk, Va., by which Commodore Barron was tried for surrendering the *Chesapeake*, and showed by his testimony, that there was a total want of preparation on board of that ship, while the *Leopard* was pouring in a fire that killed three men, wounded twenty-two, greatly damaged the rigging, wounded the bowsprit, main and mizen masts, left twenty-two round shot in the hull, caused the ship to take in three feet of water in about an hour after the attack, and compelled it to return to port without delay. The reader may estimate the want of preparation in the *Chesapeake* from the fact, that, to this destructive fire, it was able to return one solitary gun. In the midst of this fire, Mr. Elliott was perfectly cool and collected, and exerted himself to the utmost to prepare for resistance, and to encourage the men in his division. Let the reader peruse the following extract from his testimony.

FOURTEENTH DAY.

Tuesday, January 19, 1808.

The court met pursuant to adjournment.

At the request of the counsel of Captain James Barron, Jesse D. Elliott, a midshipman on board the Chesapeake, was called in and sworn by the Judge Advocate.

Q. Were you on board the Chesapeake on the 22d of June last?

A. I was.

Q. What were your rank and station at that time?

A. I was a midshipman, quartered in the third division on the gun deck.

Q. Had you any suspicion of a hostile intent in the Leopard, at any time before you were ordered to quarters?

A. No, I had not.

Q. Did you hear any other persons on board express any suspicions until that time?

A. No, I did not.

Q. Did you receive any orders to go to quarters?

A. No, I did not, from a superior officer. Directly after the British officer left our ship, Captain Gordon ordered me to go to the gun deck, to assist in clearing it up. This I supposed was for the purpose of going to quarters.

Q. What was the state of your division at the time you heard your colors were struck.

A. It was very much confused. Before I heard the colors were struck, several of the men had expressed a wish to quit their quarters; I had stopped them, and told them we were as much exposed as they were, and that they must stand to their quarters as long as we did. Upon this, they said they would stay and be shot like sheep.

Q. Was any part of your division in such a situation at any time before the surrender, as to have enabled you to commence firing?

A. The two forward guns were in a situation to be fired, if we had had powder horns and matches or loggerheads. Immediately after we went to quarters, I had ordered one of the quarter gunners to go for matches. He went, and was wounded; he returned however with a loggerhead, which was too cold. Before he had returned, I had sent the second captain of the foremost gun in our division, for loggerheads. He went, and as he returned, I took the loggerhead from him and was about to fire a gun, when Mr. Creighton stopped me, and said we had struck. These two guns might have commenced a fire, but could not have continued it. The

two after guns were not in a situation to commence a fire at all.

Q. Had you any powder horns in your division, at any time before the surrender?

A. We had several empty powder horns, which were sent up from the magazine, and one was received just before I heard of the surrender, which had some powder in it, but was not full.

Q. Had you any matches in your division before the surrender?

A. We had not.

Q. Had you any heated loggerheads in your division before the surrender?

A. We had two, but they were not hot enough to fire with. The first I know was not hot enough, because I tried it; and the last I suspect was not hot enough, although it was never tried.

Q. Were there any cartridges in your division during the attack?

A. No, there were not. I did not see a cartridge that day.

Q. Were there any wads in your division at any time during the attack?

A. There were not, nor did I know where they were.

Q. Were there any sponges and rammers in your division at any time during the attack.

A. I do not recollect to have seen them.

Q. Was Captain Gordon in your division at any time during the attack?

A. He was not. He passed through our division as he went to the cabin, just before the attack commenced. The drummer was then beating to quarters; Captain Gordon stopped him, and asked him who ordered him to beat to quarters. This threw Mr. Creighton and myself, at first, into confusion; but in a short time Mr. Creighton said, "we will have our division clear at all events," and we then immediately went to work.

In 1810, he was appointed bearer of despatches to our minister at London, on which service he sailed for England in the frigate John Adams.

In June, 1812, began the war with Great Britain; a war into which our country was forced by injuries and aggressions which had exhausted forbearance;

a war in which American skill and valor upon land, were more than equal to British prowess, and upon the ocean, broke the charm of British invincibility ; a war in which the American character attained a proud eminence, from which, it is hoped and trusted, it may never descend. In this contest, Lieutenant Elliott was destined to play an important part, and to earn those laurels of which, if his countrymen are only just to themselves, neither envy nor faction can ever deprive him. Three months after the declaration of war, he was ordered to Lake Erie upon the highly responsible and important service of superintending the naval preparations on that lake. The following letter from Commodore Chauncey, commander in chief of all the naval force upon the lakes, will show what confidence was reposed in him.

“ Navy Yard, New-York, 7th Sept. 1812.

Sir,—You will immediately proceed with all possible expedition to the head-quarters of General Van Rensselaer, which is, I believe, at or near Buffalo, at the bottom of Lake Erie. You will consult General Van Rensselaer as to the best position to build, repair, and fit for service, such vessels or boats as may be required to retain the command of Lake Erie, bearing in mind to select such a place as can be defended from the attacks of the enemy, as well as to keep them from a knowledge of our operations. After you have selected a proper place, you will, with the advice of General Van Rensselaer, purchase any merchant vessels or boats that can be converted into vessels of war or gun boats, and commence their equipment immediately. You will also cause to be sawed by the mills in the neighborhood, a sufficient quantity of plank for the decks and bottoms of two vessels of three hundred tons each, consulting with the master carpenter as to quantity and thickness. You will also procure and get ready a sufficient quantity of boards to build six boats of 40 feet long, and 10 feet wide. You will have quarters prepared for three hundred men, and a temporary magazine built for our powder. Thirty carpenters will leave here on Thursday next for Buffalo ; you will lose no time in setting them upon the work of preparation, as every day is

of importance to us, the season being so far advanced. You will ascertain as near as practicable, the force of the enemy on Lake Erie, also their general rendezvous; and also you will inform yourself upon the following points, to wit; the number and kind of vessels and boats that can be procured upon Lake Erie, that will answer our purpose; what kind of harbor or shelter there is for them; whether provisions can be procured in the neighborhood, and what kinds, and in what quantities; the state of the roads in and about Buffalo; and the most defensible points; in fact you will obtain all the information that will be of importance to us in our operations, and transmit the same to me by *express*. I should advise you to travel in plain clothes: and by no means communicate the object of your visit to any person except General Van Rensselaer, to whom I enclose you a letter of introduction, which you will deliver immediately. Knowing your zeal for the service, and your discretion as an officer, I feel every confidence in your industry and exertions to accomplish the object of your mission in the shortest time possible. Notwithstanding, I shall feel extremely anxious until I hear from you upon the points upon which I have requested information. I have the honor to be, very respectfully,

Your most ob't. serv't.

ISAAC CHAUNCEY.

LIEUT. JESSE D. ELLIOTT, U. S. Navy."

The manner in which this mission was executed, will appear from the following letter.

"Navy Yard, New-York, 24th Sept. 1812.

DEAR SIR,—Your favor of the 18th inst. I received this day, and approve of what you have done. You will make all the expedition possible in altering the vessels at Genessee River. Eighty men left here on Monday for Buffalo; one hundred and forty leave here to day for the same place. I shall send one hundred to Genessee River, and leave here on Saturday for Sackett's Harbor, and will join you as soon as possible. With great respect,

I am your ob't. serv't.

ISAAC CHAUNCEY.

LIEUT. JESSE D. ELLIOTT, Genessee Falls.

While on the lines, he heard that two British vessels, the Hunter of 14 guns, and the Detroit of 6 guns,

had arrived at Fort Erie from Malden, and anchored under the guns of the fort. He immediately projected the daring enterprize of cutting them out, by means of two boats and 100 men. To prove this, the following letters are offered.

"Head-Quarters, Lewiston, 25th Sept. 1812.

SIR,—I have this moment received your letter of yesterday, stating that Lieutenant Elliott proposed to make an attempt to cut out one of the vessels at Erie, and has requested your assistance by men, &c. for the enterprise. You will please to furnish Lieutenant Elliott immediately, with men, arms, ammunition, boats and implements of every kind, to the utmost of his wishes, and the means you can possibly command, to render the enterprise successful.

I am, &c.

J. VAN RENSSELAER.

MAJ. GEN. HALL, Com'g. Black Rock."

"Head-Quarters, Lewiston, 25th Sept. 1812.

SIR,—I enclose you a copy of a letter I have this day sent to Major General Hall. With my best wishes that success may crown your enterprise, I am, Sir, with great respect,
Your most ob't serv't.

J. VAN RENSSELAER, Maj. Gen."

"SIR,—Mr. Pressman* will bring you the aid we can give. He is a gallant young man, and I request that he may be allowed to accompany you. The God who protects the brave, guard you and give you success.

ALEXANDER SMYTH,

LIEUT. ELLIOTT.

8th Oct."

How this enterprise was executed, will appear from his own official report, and from the following letters.

Extract of a letter from Commodore Chauncey to the Secretary of the Navy.

"Sackett's Harbor, Oct. 16. 1812.

SIR,—I have great pleasure in informing you, that by a

* This gentleman is now a clergyman settled at New Castle, Del.

gentleman who arrived here yesterday afternoon from Buffalo, I learn that Lieutenant Elliott, with about sixty sailors, and a number of volunteers, (militia,) cut out from under the guns of Fort Erie, on the night of the 8th inst. the brig Adams, lately surrendered at Detroit, and the schooner Caledonia, loaded with peltry, said to be very valuable; but in running these vessels for Black Rock, they both grounded in such a situation, that the British fort was firing on them when my informant left there on Friday morning last. It was however believed that if they could not be got off, they would be destroyed. I however hope that Lieutenant Elliott will be able to save both vessels, for such an addition to our little force on Lake Erie at this time, would be invaluable. Lieutenant Elliott deserves much praise for the promptness with which he executed this service, as the sailors had only arrived at Black Rock on the 8th, and he had no particular orders from me, except to have boats built and prepared for cutting out the British vessels which, I knew, rendezvoused near Fort Erie. If Lieutenant Elliott succeeds in saving the Adams and Caledonia, I think we shall obtain the command of Lake Erie before December.

(Here follow some statements relating to Lake Ontario.)
I have the honor to be, very respectfully,

Your ob't serv't.

ISAAC CHAUNCEY.

HON. PAUL HAMILTON."

Letter from Com. Chauncey to the Secretary of the Navy.

"*Sackett's Harbor, 27th Oct. 1812.*"

SIR,—I have the honor of enclosing you copies of two letters received from Lieutenant Elliott, giving an account of his having cut out from under Fort Erie, on Lake Erie, in a most gallant manner, two British brigs, the Detroit, (late Adams,) and the Caledonia; the Detroit was manned and armed as a man of war; the Caledonia belonged to the North West Company, and was loaded with peltry. Nothing that I can say, more than I have already said in a former communication upon this subject, will add to the credit of Lieutenant Elliott, and the gallant officers and men who accompanied him. The thing speaks for itself, and will, I am sure, be duly appreciated by all who have any idea of the difficulties that he had to encounter after getting possession of these vessels.

I have the honor to be, &c.

ISAAC CHAUNCEY.

HON. PAUL HAMILTON, Secretary of the Navy."

The following is from Charles W. Goldsborough, chief clerk of the Navy Department.

“DEAR ELLIOTT.—I give you joy! You have fulfilled our expectations! It was well done—done like a naval hero!

Heaven be with you always.

Your friend,

GOLDSBOROUGH.

27th Oct. 1812.”

Though this letter, written in the ardor of private friendship, such friendship as one elevated and honorable mind can cherish for another, was never intended for the public eye, yet the testimony it contains concerning the *character*, the *cast of mind* of Captain Elliott, affords a sufficient apology for its publication. Mr. Goldsborough, being a citizen of Maryland, Captain Elliott's native state, knew him well, and therefore entertained high expectations of his naval career. He knew that Lieutenant Elliott would not only *improve* but *seek* opportunities of displaying the *naval hero*, and in the fervor of his admiration for this gallant exploit, he pronounces it a *fulfilment of his expectations*.

The following is Lieutenant Elliott's official report of this affair to the Secretary of the Navy.

“*Black Rock, October 9, 1812.*

Sir,—I have the honor to inform you that on the morning of the 8th instant, two British vessels, which I was informed were his Britannic majesty's brig *Detroit*, late the United States' brig *Adams*, and the brig *Hunter*, mounting 14 guns, but which afterwards proved to be the brig *Caledonia*, both said to be well armed and manned, came down the lake and anchored under the protection of Fort Erie. Having been on the lines for some time, and in a measure inactive, I determined to make an attack, and if possible to get possession of them. A strong inducement to this attempt arose from the consideration, that with these two vessels and those which I have purchased and am fitting

out, I should be enabled to meet the remainder of the British force on the upper lakes, and save an incalculable expense and labor to the government. On the morning of their arrival, I heard that our seamen were but a short distance from this place, and immediately despatched an express to the officers, directing them to use all possible despatch in getting their men to this place, as I had an important service to perform. On their arrival, which was about 12 o'clock, I discovered that they had only 20 pistols, and neither cutlasses nor battle-axes. But on application to Generals Smyth and Hall, of the regulars and militia, I was supplied with a few arms, and General Smyth was so good, on my request, as immediately to detach 50 men from the regulars, armed with muskets.

By 4 o'clock in the afternoon, I had my men selected and stationed in two boats, which I had previously prepared for the purpose. With these boats, 50 men in each, and under circumstances very disadvantageous, my men having scarcely had time to refresh themselves after a fatiguing march of 500 miles, I put off from the mouth of Buffalo creek at 1 o'clock the following morning, and at 3 I was alongside the vessels. In less than 10 minutes I had the prisoners all secured, the topsails sheeted home, and the vessels under way. Unfortunately the wind was not sufficiently strong to get us up a rapid current into the lake, where I had understood another armed vessel lay at anchor, and I was obliged to run down the river, by the forts, under a heavy fire of round, grape and canister, from a number of pieces of heavy ordnance, and several pieces of flying artillery, and compelled to anchor at a distance of about 400 yards from their two batteries. After the discharge of the first gun from the flying artillery, I hailed the shore, and observed to the officer, that if another gun was fired, I would bring the prisoners on deck and expose them to the same fate we would all share; but, notwithstanding, they disregarded the caution, and continued a constant and destructive fire. One single moment's reflection determined me not to commit an act that would subject me to the imputation of barbarity. The Caledonia had been beached, in as safe a position as the circumstances would admit of, under one of our batteries at Black Rock. I now brought all the guns of the Detroit on one side, next the enemy, stationed the men at them, and directed a fire which was continued as long as our ammunition lasted and circumstances permitted. During the contest, I endeavoured to get the Detroit on our side, by sending a line, there

being no wind, on shore, with all the line I could muster ; but the current being so strong that the boat could not reach the shore. I then hailed our shore, and requested that warps should be made fast on land and sent on board ; the attempt to all which again proved useless. As the fire was such as would, in all probability, sink the vessel in a short time, I determined to drift down the river, out of the reach of the batteries, and make a stand against the flying artillery. I accordingly cut the cable, made sail with very light airs, and at that instant discovered that the pilot had abandoned me. I dropped astern for about 10 minutes, when I was brought up on our shore, upon Squaw Island, got the boarding boat ready, had the prisoners put in and sent on shore, with directions for the officer to return for me and what property we could get from the brig. He did not return, owing to the difficulty of the boat's getting on shore. Discovering a skiff under the counter, I went on shore to bring the boat off. I asked for protection to the brig, of Lieutenant-Colonel Scott, who readily gave it. At this moment I discovered a boat with about 40 soldiers from the British side, making for the brig. They got on board, but were soon compelled to abandon her, with the loss of nearly all their crew. During the whole of this morning, both sides of the river kept up alternately a continual fire on the brig, and so much injured her that it was impossible to have floated her. Before I left her, she had several shot of large size in her bends, her sails in ribbons, and rigging all cut to pieces.

To my officers and men I feel under great obligation ; to Captain Towson, and Lieutenant Roach of the 2d regiment of artillery, Ensign Pressman of the infantry, Captain Chapin, Mr. John M'Comb, Messrs. John Town, Thomas Dain, Peter Overstock, and James Sloan, resident gentlemen of Buffalo, for their soldier and sailor like conduct. In a word, sir, every man fought as if with their hearts animated only by the interest and honor of their country.

The prisoners I have turned over to the military. The Detroit mounted 6 six-pound long guns, had a commanding lieutenant of marines, a boatswain and gunner, and 56 men, about 30 American prisoners on board, muskets, pistols, cutlasses, and battle axes. In boarding her I lost one man, had one officer wounded, Mr. John C. Cummings, acting midshipman—a bayonet through the leg ; his conduct was correct, and deserves the notice of the department. The Caledonia mounted two small guns, blunderbusses, pistols, muskets, cutlasses, and boarding pikes, 12 men including

officers,—10 prisoners on board. The boat boarding her was commanded by sailing-master George Watts, who performed his duty in a masterly style. But one man killed, and four wounded badly, I am afraid mortally. I enclose you a list of the officers and men engaged in the enterprise, and also a view of the lake and river in the different situations of the attack. In a day or two I shall forward the names of the prisoners. The Caledonia belongs to the N. W. Company, loaded with furs, worth, I understand, \$200,000.

I have the honor to be yours, &c.

JESSE D. ELLIOTT.

The Hon. PAUL HAMILTON,
Secretary U. S. Navy."

The following is the reply of the Secretary of the Navy to this report.

"SIR,—I have received with great pleasure your letter of the 9th inst. I have been directed by the President of the United States to return to you, and through you to the officers under your command on the expedition of Fort Erie, which terminated to the glory of the American arms, his particular thanks.

P. HAMILTON,

Navy Department, 2d Nov. 1812.

Lieut. JESSE D. ELLIOTT, Black Rock, Lake Erie.

P. S. Your having refrained from putting your threat into execution is highly approved.

P. H."

The following from one of the Senators in Congress, from Pennsylvania, of which State Commodore Elllott was then and is now a citizen, shows the opinion entertained by Congress of this exploit.

"*City Washington 26th Jan. 1813.*

DEAR SIR,—I herein enclose a copy of a resolution this moment passed by the Senate, expressive of the high sense they entertain of your gallantry and good conduct in the capture of the Detroit and the Caledonia, and I have the satisfaction to add that it passed unanimously. I beg you to make my respects to your mother, and to consider me truly yours,

ANDREW GREGG.

Lieut. ELLIOTT.

As soon as a decision is had in the other house, I shall communicate the result."

The resolution mentioned in this letter, which was adopted by both Houses of Congress, was that, "a sword, with suitable emblems and devices, be presented to Lieutenant Elliott, in testimony of the just sense entertained by Congress of his gallantry and good conduct, in boarding and capturing the British brigs *Detroit* and *Caledonia*, while anchored under the protection of *Fort Erie*."

Soon after this brilliant exploit, Lieutenant Elliott repaired to Sackett's Harbor, and joined the squadron upon Lake Ontario, under the command of Commodore Chauncey. In July, 1813, he was promoted over thirty Lieutenants, to the rank of Master Commandant, and appointed to the command of the *Madison*, the flag ship of Commodore Chauncey's fleet. His promotion over so many officers is a decisive proof of the esteem entertained for him by the President and Secretary of the Navy, for this and the promotion of Commodore Morris from a lieutenancy to the rank of Master Commandant, are, with two or three exceptions, the only instances in the naval annals of the United States, in which officers have been superseded. The promotion of Captain Morris out of the usual course, was a reward of his gallantry and skill displayed in the action between the *Constitution* and *Guerriere*. In the attack upon York, in Upper Canada, on the 27th of April, 1813, the shallowness of the water preventing the *Madison* from approaching sufficiently near, he volunteered to take command of one of seven schooners, and to lead them into action. Commodore Chauncey, in his official report to the Secretary of the Navy, dated April 28, 1813, after mentioning the debarkation of the troops under the gallant and lamented Pike, thus speaks of these schooners, led by Captain Elliott.

"As soon as the troops were landed, I directed the schooners to take a position near the forts, in order that the attack on them by the army and navy might be simultaneous. The schooners were obliged to beat up to their position, which they did in a very handsome order, under a very heavy fire from the enemy's batteries, and took a position within about six hundred yards of their principal fort, and opened a heavy cannonade upon the enemy, which did great execution, and very much contributed to their final destruction."

In 1818, during the controversy between himself and Commodore Perry, he wrote to Lieutenant Chauncey for a statement of this affair at York, and received the following reply.

"Washington, 10th Dec. 1818.

DEAR SIR,—In reply to your request relative to the attack and taking of York, (U. Canada,) it gives me pleasure to state that I consider your conduct on that day very meritorious. Your volunteering from the ship Madison to the schooner Conquest, was considered as deserving more notice than was taken by the commodore in his official report.

With great respect,

Your obedient servant,

WOLCOTT CHAUNCEY.

Capt. J. D. ELLIOTT, U. S. Navy.

Immediately after the publication of an attack upon his fame by Lieutenant Matthew C. Perry, which will be noticed in the following pages, he wrote to Lieutenant M'Pherson, and received in reply the following letter.

"Gosport Navy Yard, May 24th, 1821.

DEAR SIR,—I have the honor to acknowledge your communication, and feel pleasure in stating, that you were flag captain of the commodore's ship, when the attack was made on York, Upper Canada. Your ship drawing too much water, could not get into action, and I know you volunteered to take command of a schooner, which you did, and

to the best of my knowledge, you were one of the first in action.

I am, Sir, respectfully,

J. M'PHERSON.

Capt. J. D. ELLIOTT, U. S. Navy.

On the 3d of August, 1813, he received orders from Commodore Chauncey to take from the General Pike, the flag ship on Lake Ontario, a draft of 100 officers and men, and proceed to Lake Erie, to take command of the Niagara, under the orders of Commodore Perry. Commodore Chauncey's letter containing this order, concludes as follows. "*I wish you health, and all the success which your zeal and ability so eminently entitle you to.*" On the 10th of September following, was fought the memorable battle of Lake Erie, and the part which Captain Elliott bore in this event, will be one of the subjects investigated in the following pages.

CHAPTER II.

Battle of Lake Erie. Court of Inquiry. Testimony of Messrs. Yarnall and Forrest.

THE first attack upon the fame of Commodore Elliott was soon after the battle of Lake Erie. Whispers were then circulated, reflecting upon his courage or fidelity, and imputing the temporary disaster of the capture of the *Lawrence* to his cowardice, or to a treacherous wish to sacrifice Commodore Perry, and to claim the victory as his own. His friends in the squadron, particularly the officers of his own ship, the *Niagara*, promptly met this calumny by a vindication under their own hands, addressed to the Secretary of the Navy. The next attack was by a British Court of Inquiry, called to inquire into the conduct of Commodore Barclay, in surrendering the British fleet on Lake Erie; which court charged the *Niagara* with running away from the *Queen Charlotte*. A Court of Inquiry being holden at New York in April, 1815, to inquire into the capture of the *President*, the *Frolic*, and the *Rattlesnake*, Captain Elliott applied to the Secretary of the Navy for an investigation by the same Court, into his conduct in the battle of Lake Erie. The next was by Commodore Perry, who, in August, 1818, preferred charges to the Navy Department against Captain Elliott, of misconduct in the battle of Lake Erie and subsequently; of which charges the Executive would take no cognizance. The next was in the publication of an anonymous pamphlet at Washington, in the winter of 1821, containing the charges above mentioned, and several

other documents ; to which Captain Elliott promptly replied in one of the Washington newspapers. The next was a republication of the same pamphlet, with additional documents, in the spring of 1821, by Lieutenant M. C. Perry, brother of the late Commodore Perry ; to which Captain Elliott replied by the publication of a pamphlet at Norfolk, Va. in the spring of 1821, containing numerous documents. The last was a republication of Lieutenant Perry's pamphlet at Boston, in June 1834, with the simultaneous publication of scurrilous articles and advertisements in several of the Boston newspapers, and the placarding upon the walls of public buildings, in the streets of Boston, of defamatory and incendiary handbills.

The object of these pages is to vindicate Commodore Elliott from these attacks ; to show that they have no foundation in fact ; that they originated in professional jealousies and misunderstandings ; and that they have lately been revived by a political party in Massachusetts, holding its head quarters at Boston, whose malignity respects no ties, whose perseverance is proof against defeat, and whose rancorous hatred of the political school in which Commodore Elliott was bred, could neither be cooled by time, appeased by submission, nor burnt out by the fires of civil war.

The charges against Commodore Elliott in all these attacks, are those of cowardice or treachery, or both, in the battle of Lake Erie. The testimony offered in support of these charges, is the letter of Commodore Perry to the Secretary of the Navy, and certain charges inclosed, dated August 8, 1818 ; the letters and affidavits of certain officers of the squadron on Lake Erie, which affidavits were taken by a committee of the Legislature of Rhode Island, in June, 1818 ; and extracts from the official account of Commodore Barclay, commander of the British squadron in the battle. To these may be added the testimony of

Lieutenants Yarnall and Forrest, officers on board the *Lawrence* in the battle, given before the Court of Inquiry at New York in 1815.

Before any examination of this testimony is offered, it will be necessary, for the purpose of giving to the reader a distinct and definite view of the subject, to lay before him a brief chronological account of the battle, and of the various events resulting from it which will be noticed in this defense. The battle of Lake Erie was fought on the 10th of September, 1813. The American squadron, commanded by Commodore Oliver Hazard Perry, consisted of the brig *Lawrence*, his flag ship, the brig *Niagara*, commanded by Captain Elliott, the brig *Caledonia*, Lieutenant Turner, the schooner *Ariel*, Lieutenant Packet, the schooner *Scorpion*, Sailing Master Champlin, the schooner *Somers*, Sailing Master Almey, the schooner *Tigress*, Lieutenant Conklin, the schooner *Porcupine*, Lieutenant Senatt, and the sloop *Trippe*, Lieutenant Holdup. The force of this squadron was as follows: the *Lawrence* carried 20 guns, being 2 long 12's and 18 32lb. carronades; the *Niagara* the same; the *Caledonia*, 3 long 12's or 18's; the *Ariel*, 4 guns, one of which burst early in the action; the *Somers*, 2; the *Scorpion*, 2; the *Tigress*, *Porcupine* and *Trippe*, 1 each, long 32's. The British squadron, commanded by Commodore Barclay, consisted of the ship *Detroit*, of 19 long guns, 12's, 18's and 24's; the ship *Queen Charlotte*, 17 short guns; the schooner *Lady Prevost*, 13 do; the brig *Hunter*, 10 do; the sloop *Little Belt*, 3 do; the schooner *Chippewa*, 1 do. and 2 swivels. On the 13th of September, Commodore Perry wrote his official account of the battle to the Secretary of the Navy. On the 19th of the same month, the officers of the *Niagara*, being three Lieutenants, a surgeon, a purser, and a captain of the 2d Regiment of U. S. Infantry, acting as Captain of Ma-

rines, addressed a most respectful and affectionate letter of congratulation to Captain Elliott. On the 13th of October following, the same officers addressed a letter to the Secretary of the Navy, complaining that justice had not been done to Captain Elliott in what they denominate "condensed and partial statements of the action." On the 26th of the same month, Commodore Perry, departing for Washington, left the command of the fleet to Captain Elliott. On the 27th of December following, the Secretary of the Navy, in a report to the Naval Committee of the House of Representatives, of which committee Mr. Lowndes was chairman, paid a high compliment to "*the second in command*" in the battle of Lake Erie. Immediately afterwards, the House of Representatives responded to this report by resolving that, "the President of the United States be requested to cause gold medals to be struck, emblematical of the action between the two squadrons, and present them to Commodore Perry and Captain Jesse D. Elliott," &c. On the 16th of April, 1815, Captain Elliott, informed that in the opinion or report of the British Court of Inquiry before mentioned, his conduct in the battle of Lake Erie had been injuriously reflected upon, addressed a letter to the Secretary of the Navy, requesting an investigation, as before stated, by a Court of Inquiry then sitting at New York. This Court, consisting of Commodore Murray, Captain Evans and Lieutenant Rogers, immediately entered upon this duty, and after examining Mr. Webster, Sailing Master, Messrs. Montgomery, Cummings and Adams, Midshipmen, Mr. Tatem, Master's Mate, all of the Niagara, and Lieutenants Yarnall and Forrest, of the Lawrence, pronounced an opinion highly complimentary to Captain Elliott. In June, 1818, a resolution was adopted by the General Assembly of Rhode Island, to collect and deposit among the records of the State,

documents and memorials for preserving the memory of the victory of Lake Erie. Messrs. Benjamin Hazard and William C. Gibbs were appointed a committee to collect such documents, and took the affidavits of Dr. Parsons, Surgeon, Mr. Taylor, Sailing Master, Mr. Breese, Captain's Clerk, all of the Lawrence, Lieutenant Turner of the Caledonia, Lieutenant Holdup Stevens of the Trippe, then Lieutenant Holdup, Sailing Master Champlin of the Scorpion, and Master's Mate Brownell of the Ariel. On the 10th of August, 1818, Commodore Perry addressed a letter to the Secretary of the Navy, inclosing sundry charges against Captain Elliott, among which was that of keeping his ship aloof from the enemy in the battle of Lake Erie.

The reader having now before him a chronological statement of events, from the battle in September, 1813, to the filing of charges against Captain Elliott in August, 1818, is invited to a particular examination of all the testimony offered to criminate or exculpate Captain Elliott.

As was before said, the battle of Lake Erie was fought on the 10th of September, 1813. The plan of the attack, as arranged by Com. Perry, was for the Lawrence to lead the van and engage the enemy's heaviest ship, the Detroit; for the Caledonia to follow and attack the Hunter; for the Niagara to engage the Queen Charlotte, and for the smaller vessels to engage those of the enemy. According to Commodore Perry's official account, the British began to fire at 15 minutes before 12, and the Americans 10 minutes afterwards. The distance between the two fleets when the firing began, was about one mile and a half, or two miles. The American Squadron had the weather gage, though the wind was light. The plan of Commodore Barclay was different, and evinced his skill. It was to disable our heavy ships

in detail, and thus to insure the capture of the whole; a plan which all the circumstances of the case were well fitted to promote. The Detroit, his heaviest ship, having an armament of long 12's, 18's, and 24's, could reach the Lawrence long before the carronades of the latter could reach in return; and the lightness of the wind, by preventing our squadron from approaching rapidly, tended to prolong this unequal contest. The Lawrence leading the van, Commodore Barclay's object was to cripple her without delay; at the same time to prevent the Niagara from coming to her assistance; afterwards to cripple the Niagara, and then to make an easy prey of the rest. Accordingly, he ordered the whole fire of his long guns upon the hull of the Lawrence, and that of the carronades upon the rigging of the Lawrence and Niagara; for the shot from the long guns could penetrate the hull, while that from the carronades, though powerless against the hull, unless in close action, could nevertheless cut the spars and rigging. In pursuance of this plan, he opened his fire so soon as his long guns could reach, and 10 minutes before the American fire began. The wind was South East, and the two squadron's sailing nearly *on a wind*, heading South West by South, in nearly parallel lines, the American squadron continually getting nearer. Captain Elliott ordered Lieutenant Webster to commence the fire of the Niagara from his division, with a long 12, and soon afterwards ordered one or two broadsides from the carronades; but perceiving that the shot from the latter fell short, he directed the fire from them to cease, and that from the long guns to be continued. In the mean time, the fire of the enemy's long guns upon the Lawrence was very destructive, dismounting her guns, killing and wounding her men, and very rapidly disabling her. Nor was this the only fire sustained by the Lawrence; for so soon as

the squadrons, continually approaching, were sufficiently near for carronades to take effect on the hull, the Queen Charlotte left the line, bore away from the fire of the Niagara, and directed her whole battery of carronades upon the Lawrence. Captain Elliott, perceiving this movement, ordered the Caledonia, then directly ahead of the Niagara, out of the line, to enable the latter to pass onward to the assistance of the Lawrence. The bearing away of the Queen Charlotte from the Niagara, seems to have been a very skilful manoeuvre. These two ships had, till then, been firing upon each other, though most of the fire of the Queen Charlotte was upon the Lawrence; but our squadron approaching fast, and close action being soon inevitable, it was necessary for the success of his plan, for Commodore Barclay to disable the first ship without farther delay, while his own ships were comparatively fresh. Accordingly, the Queen Charlotte ran away from the fire of the Niagara, and bore down with the whole of her own upon the Lawrence. This plan was partially successful, and had nearly been entirely so; for while the British ships were little injured by our short guns, the Lawrence was nearly disabled by their long guns at long shot, and completely so by the carronades of the Queen Charlotte when sufficiently near.

In this manner, the action continued till about half past 2; the Lawrence, Niagara, Caledonia, Ariel and Scorpion being actively engaged, and the other vessels, being the Somers, Porcupine, Tigress and Trippe, being prevented from getting near by the lightness of the wind. At about half past 2, the Lawrence was disabled and dropped out of the line; and shortly before, the Niagara, having already passed ahead of the Caledonia, passed to windward of the Lawrence, for the purpose of bearing down in close

action upon the headmost ships of the enemy. At this time, Commodore Perry left the *Lawrence* in charge of Lieutenant Yarnall, and went on board of the *Niagara*; and soon afterwards, the flag of the *Lawrence* was struck. So soon as he boarded the *Niagara*, he said to Captain Elliott, "I believe the damned gun boats have lost me the day;" to which the latter replied, "I hope not sir; my ship is now in a judicious position; take charge of my battery, and I will bring up the small vessels and save the day." Captain Elliott then went into the boat in which Commodore Perry had left the *Lawrence*, passed along the line of the small vessels, hailed each as he passed, ordered them to cease firing, to get out all their sweeps, close with and fire upon the large ships of the enemy, without noticing the small ones; for the former being captured, the latter would fall of course. He then returned along the line of small vessels, went on board of the *Somers*, and bore up with all possible despatch. Very fortunately, the wind freshened at this time, which aided the small vessels in approaching. The whole force of our squadron being now concentrated upon the four large ships of the enemy, they struck soon after, or about 30 minutes after Captain Elliott left the *Niagara*. Thus were the two squadrons engaged for nearly three hours; our own beginning to fire when distant about a mile and a half, continually approaching nearer, and being in close action about 30 minutes. This is a true statement of the affair, and is directly or substantially confirmed by every officer whose testimony has been published.

According to this account, wherein did Captain Elliott evince any want of courage, skill or fidelity? In nothing! On the contrary, he displayed the utmost eagerness to close, the most seamanlike skill in

his arrangements ; and it is not claiming for him too much to say that, to him is the country *principally* indebted for the honor of that memorable victory. In claiming for him this honor, no wish is felt to detract from the merit of the gallant Perry ; for the latter acknowledged as much when he said to Captain Elliott, on his return to the Niagara, "I owe this to you ;" and all the facts in the case, when faithfully collated and compared, will show that Commodore Perry did not admit too much.

The accusatory testimony consists of the statements of Lieutenants Yarnall and Forrest before the Court of Inquiry in 1815, the letter of Commodore Perry to the Secretary of the Navy in August, 1818, with the charges inclosed, the affidavits of Messrs. Turner, Parsons, Holdup Stevens, Champlin, Breese, Brownell and Taylor, a letter of Lieutenant Forrest to Lieutenant Perry, written at Washington on the 29th of January, 1821, and extracts from the official report of Commodore Barclay. Each of these witnesses, excepting Commodore Barclay, shall be examined separately, for the purpose of showing, 1st, how far he agrees with Commodore Perry ; 2d, how far he agrees with himself ; 3d, how far he agrees with the other accusing witnesses ; and 4th, how far he agrees with probabilities.

The first accusatory witness is Lieutenant Yarnall.* In his official report, † Commodore Perry says, "At half past 2, the wind springing up, Captain Elliott was enabled to bring his vessel, the Niagara, gallantly into close action ; I immediately went on board of her, when he anticipated my wish by volunteering to bring the schooners, which had been kept astern by the lightness of the wind, into close action. It was with unspeakable pain that I saw, soon after I

got on board the Niagara, the flag of the Lawrence come down, although I was perfectly sensible that she had been defended to the last, and that to have continued to make a show of resistance would have been a wanton sacrifice of the remains of her brave crew. But the enemy was not able to take possession of her, and circumstances soon permitted her flag again to be hoisted. At 45 minutes past 2, the signal was made for close action." This language shows that Captain Elliott was already in close action before Commodore Perry left the Lawrence. Lieutenant Yarnall says that when Commodore Perry boarded the Niagara, she was half of a mile off the weather bow of the Lawrence; that while the latter was in close action, the former was keeping up a distant fire, three quarters of a mile off, and was not in close action till brought into it by Commodore Perry. Here Commodore Perry and Lieutenant Yarnall disagree with each other. Commodore Perry says that at half past 2, Captain Elliott brought his vessel into close action, that *he* immediately went on board of her, and at 45 minutes past 2, gave the signal for close action. Lieutenant Yarnall says that at 48 minutes past 2, the Niagara was three quarters of a mile astern of the Lawrence, and that he then expressed to Commodore Perry his surprise at observing her in that situation. Here they disagree with each other again; for it is impossible for Commodore Perry to have been on board of the Niagara, giving signals, at 45 minutes past 2, and on board of the Lawrence, listening to Lieutenant Yarnall, three minutes afterwards. According to Commodore Perry, only 15 minutes intervened between his deciding to leave the Lawrence, and his giving the signal for close action on board of the Niagara; and according to Lieutenant Yarnall, the distance of the Niagara from the Lawrence when Commodore Perry left her, was three quarters of a

mile. Is it possible for Commodore Perry to have departed from his own ship, gone in a boat three quarters of a mile, boarded and taken command of another ship, and given a signal to the squadron, in the compass of 15 minutes? It is believed not; and if not, Lieutenant Yarnall disagrees with probabilities. He says that the Niagara passed him one half of a mile off his weather bow, when Commodore Perry took possession of her, and that this was about two hours and 48 minutes after the action commenced; and he afterwards says that at two hours and 48 minutes after the action commenced, Commodore Perry, *then in the Lawrence*, said to him, "I leave you to surrender the vessel to the enemy." Here Lieutenant Yarnall disagrees with himself, and probabilities, and even possibilities also; for it is *impossible* for Commodore Perry to have been giving orders in the Lawrence, and boarding the Niagara one half of a mile off, at the same moment. He says that Commodore Perry told him, on leaving the Lawrence, "I leave you to surrender the vessel to the enemy." Commodore Perry says, "Finding she could no longer annoy the enemy, I left her in charge of Lieutenant Yarnall, who, I was convinced, from the bravery already displayed by him, would do what would comport with the honor of the flag." Here they disagree with each other; for the expression quoted by Lieutenant Yarnall indicates that Commodore Perry had already determined to surrender the vessel, while that of Commodore Perry implies that Lieutenant Yarnall was not to surrender her without absolute necessity. Commodore Perry adds, "It was with unspeakable pain that I saw, soon after I got on board the Niagara, the flag of the Lawrence come down, although I was perfectly sensible that she had been defended to the last, and that to have continued to make a show of resistance would have been a wan-

ton sacrifice of the remains of her brave crew." This language necessarily excludes the belief that he had determined to surrender the *Lawrence* when he left her, for it expresses a painful surprise at an event for which, indeed, he was prepared, but which he did not suppose to be so near.

Lieutenant Yarnall admits that the sketch of the battle, laid before the court by Captain Elliott, was correct; and according to this sketch, the *Hunter* was the *fourth* ship in the British line. All the witnesses before the court concur with Mr. Yarnall in the correctness of this sketch. Yet he says that the *Queen Charlotte* was *astern* of the *Hunter*, and consequently the fourth in the line. Here he contradicts himself and all the other witnesses.

The next witness is Lieutenant Forrest.* Before the court of inquiry in 1815, he agrees with Lieutenant Yarnall in saying that the *Niagara* was one half of a mile off when Commodore Perry boarded her, and he thus confirms that part of Lieutenant Yarnall's story which renders another part of it improbable. But he disagrees with Commodore Perry, who says that before he boarded her, the *Niagara* was in close action. He also says that more sail might have been set upon the *Niagara*, and that during the action, he expressed his surprise that the *Niagara* did not close with the enemy. Yet he says that Captain Elliott did every thing becoming a brave and meritorious officer. Here he disagrees with himself; for his surprise at the distance of the *Niagara* shows that he thought she ought to have been in close action; and if Captain Elliott refrained from doing what he ought to have done, he certainly did not do every thing becoming a brave and meritorious officer. The same Lieutenant Forrest, in a letter written six years afterwards, to Lieutenant Matthew C. Perry,† says,

* Appendix B. 10. † Appendix D.

that Captain Elliott, instead of merely forbearing to set more sail, put his helm down and sheered to windward of the Lawrence. By this he implies that she *sheered off*; for as our squadron was moving in line, parallel with and to windward of the enemy, and the Niagara astern of the Lawrence, the sheering of the former to windward of the latter would be a retrograde movement. He also says that Captain Elliott was prevented from closing with the enemy, either by cowardice, or a treacherous wish to sacrifice the Lawrence and to claim the victory for himself. Here he contradicts his former statement. He also says that Commodore Perry, in his official report, was actuated by a benevolent wish to screen Captain Elliott. Here he not only disagrees with Commodore Perry about the facts, but charges him with deliberately rendering a false account, and consequently with falsehood, and with treachery to his country, for the purpose of screening a brother officer from the punishment due to his misconduct. Lieutenant Forrest says that "Commodore Perry hailed Captain Elliott, told him that he himself intended to engage the Detroit, and wished the Niagara to drop just astern of him," and that they went into action in *that* order. "Just astern," in the common acceptation of the terms, means *the next behind*; consequently, according to Lieutenant Forrest, the Niagara was the very next ship in the line to the Lawrence. Lieutenant Yarnall says that Captain Elliott fell into line next to the Caledonia; meaning that the Niagara was next in succession to, or in the rear of that vessel, and consequently *the next but one* to the Lawrence. Here Lieutenant Forrest disagrees with Lieutenant Yarnall.

CHAPTER III.

Battle of Lake Erie. Testimony of Messrs. Turner, Parsons, Stevens, Forrest, Champlin, Breese, Brownell and Taylor.

THE next witnesses are the officers who furnished affidavits to the Committee of the Legislature of Rhode Island. The first in order of these is the affidavit of Lieutenant Turner,* who commanded the *Caledonia*, a ship, be it always remembered, for which the American Navy was indebted to Captain Elliott, who gallantly took it from the British about one year previously. In this affidavit, he says that the signal made by Commodore Perry was for every one to engage as he came up, each against the enemy's vessel, "which made the *Niagara* the antagonist of the *Queen Charlotte*," the *third* ship in the enemy's line. Here he disagrees with Lieutenant Forrest, who says before the Court of Inquiry, that the *Niagara* was just *astern* of the *Lawrence*. He says it was the general opinion of the American officers, that Captain Elliott did not do his duty in the battle as a gallant and faithful officer. Here he disagrees with Lieutenant Forrest, who says, as already cited, that Captain Elliott did every thing becoming a brave and meritorious officer in that action. Lieutenant Turner also says that "the *Niagara* might have relieved the *Lawrence* from the *Queen Charlotte*'s fire, if she had made proper exertions to bring her to close action ; but by

*Appendix E. I.

keeping "her maintopsail aback and her jib brailed up, she kept at too great a distance from the enemy to do him any injury, and sustained scarcely any herself until the Commodore took command of her, who immediately bore up and passed through the enemy's line, firing both his broadsides with such tremendous effect, as caused him instantly to surrender." By this he means that the maintopsail was kept aback and the jib brailed up, to prevent the ship from approaching the enemy's line, or in other words, to keep out of the action. Here he disagrees with Lieutenants Yarnall and Forrest, who both say before the Court of Inquiry, that, at no time during the action, did the Niagara attempt to make off from the British fleet. To explain this disagreement, it may be said that in maritime language, to *make off*, means to retreat, and not merely to refrain from advancing. But when the reader considers that the American squadron had the weather gage, and that both squadrons were moving onward in nearly parallel lines, a retrograde movement of the Niagara, for the purpose of keeping out of action, was not only unnecessary, but next to impossible. To keep out of reach of the enemy's shot, the only movement necessary was so to order the sails of the Niagara as to prevent her from advancing. Lieutenant Turner, therefore, in saying that the maintopsail was aback and the jib brailed up, for the purpose of keeping at a distance, conveys the same meaning that would be expressed by the terms *making off*. To *make off* from a battle where the combatants continue on the same ground, and to *keep off* where they are continually advancing in parallel lines, practically amount to the same thing. He also says that the Niagara was kept at a great distance, and sustained but little injury before Commodore Perry boarded her. Here he disagrees with Commodore Perry, who says that Cap-

tain Elliott brought his vessel gallantly into close action, before he, Commodore Perry, went on board of her.

Long before Lieutenant Turner gave this affidavit, and indeed only 46 days after the battle, he addressed to Captain Elliott the following letter.

Erie, Oct. 28, 1813.

Sir,—In answer to your note of yesterday, I have no hesitation in saying, that the Niagara was in the station assigned her previous to the engagement of the 10th; and it is my opinion that you, sir, and every officer on board of the Niagara, made use of every exertion, from the different situations in which your vessel was.

Respectfully, sir,

Your obedient servant,

DANIEL TURNER.

Capt. JESSE D. ELLIOTT.

Here he disagrees with himself, for this letter and this affidavit are utterly inconsistent with each other. But he says in the affidavit, that, the letter was given to soothe the feelings of Captain Elliott's wife, who had heard that his conduct had been questioned. Admitting this statement, what does it prove? That at the earnest request of Captain Elliott, he gave a statement in his favor which was not correct! How far does this fact corroborate a counter-statement? How far does this support his testimony when he tells a different story? To show that he testifies correctly now, he confesses that he testified erroneously then! Is he entitled to more credence when testifying *against*, than when testifying *for* Captain Elliott? And should not his acknowledgment of having erroneously told one story, induce the reader to pause before he places full reliance upon his accuracy of recollection in telling another? Here it is well to remark that when this letter was written, the wife of Captain Elliott was at Carlisle, in Pennsylvania, 360 miles from Lake Erie, and then dangerously ill.

Captain Elliott could have been informed of her illness only by a messenger or letter from Carlisle, travelling over these 360 miles; and as the same distance must be travelled by a messenger or letter from Lake Erie to Carlisle, Mrs. Elliott could not have despatched tidings to her husband, and received any in reply, in a shorter time than was necessary for travelling 720 miles, and in that season of the year when the roads in the middle and western states are in the worst condition. Could this certificate have been instrumental in calming excited feeling, which, in disease, might produce injurious or fatal consequences, the distance was somewhat too great to render the remedy of much use; and no judicious physician, in a case of *severe*, but not *chronic* illness, for the illness of Mrs. Elliott was not chronic, would prescribe a remedy that must be sought through 720 miles of miry roads. But supposing Mrs. Elliott to be suffering merely under a sense of her husband's imputed dishonor; which, to a female of a delicate mind, would indeed be suffering enough, could Captain Elliott suppose that those sufferings would be alleviated by the single certificate of Lieutenant Turner? This witness says that "Captain Elliott's conduct was spoken of, as well in General Harrison's army as in the fleet, with great disapprobation and censure." At this time, when the whole country was alive to every military movement, when all eyes were upon those officers of the army or navy who were leaders or active participators in any warlike enterprise, Captain Elliott must have received his share of the public scrutiny. Let it be remembered also, that he had greatly distinguished himself about twelve months previously, by capturing two ships from the enemy, one of which this same Lieutenant Turner commanded in the battle of Lake Erie. If then, any doubts had been cast upon his courage, skill or fidelity in this battle, he would be the object of more ge-

neral remark, of closer examination, in consequence of having previously so distinguished himself. How then is it possible for rumor, with her thousand tongues, circulating among the officers of the fleet and of General Harrison's army, and thence over the whole land, to avoid the ear of Captain Elliott's lady? Had such rumors been rife, they must have reached her, and from a thousand sources. In such state of things, could the single certificate of Lieutenant Turner be a sufficient "Balm to a wounded spirit?" The panacea to "minister to a mind diseased?" to "rase out the written troubles of the brain," thus numerously, thus multitudinously inscribed? Small indeed must have been Captain Elliott's opinion of his lady's intelligence, if he thought that this single little certificate could outweigh the evidence of the whole fleet and General Harrison's army!! Here then, Lieutenant Turner disagrees with probabilities. This certificate or letter could not then have been written for such purpose, and Mr. Turner's memory must have egregiously failed him when he so stated in his affidavit. It was written for the purpose of repelling the calumny against Captain Elliott, which was put in circulation immediately after the battle. Mr. Turner commanded one of the vessels; his station was immediately astern of the Lawrence, and ahead of the Niagara. Had the Niagara, therefore, been out of the station assigned to her, the position of Mr. Turner gave him the opportunity of knowing it with certainty, and he was therefore better qualified than the commander of any other ship excepting the Lawrence, to testify upon the subject. Captain Elliott therefore applied to him, and promptly received a reply, which, from his means of knowing, is to be deemed correct.

The next witness is Dr. Parsons.* He says, "I well recollect that the wounded, from the first of their coming down, complained that the Niagara did not

* Appendix E. 2.

come up to her station, and close with the Queen Charlotte, although he had been ordered by signal." Commodore Perry says, "at 15 minutes before 12, the enemy commenced firing; at 5 minutes before 12, the action commenced on our part. Finding their fire very destructive, owing to their long guns, and it being mostly directed to the Lawrence, I made sail, and directed the other vessels to follow, for the purpose of closing with the enemy." Lieutenant Yarnall, as already stated, says that the distance of the Niagara from the enemy at the commencement of firing, was one and a half or two miles, and that she was in line next to the Caledonia; which would make the distance of the Lawrence about one eighth of a mile less. The fire from the enemy's long guns being very destructive, and mostly upon the Lawrence, some of her men must have been wounded in the early part of the action. It is singular that they should complain at *this* time that the Niagara did not come up to her station and close with the Queen Charlotte, when not a single ship of the squadron was nearer to the enemy than one mile and a half! It is also singular that they should make this complaint before Commodore Perry attempted to close; for it was this *destructive* fire from the long guns which caused him to bear down for the purpose of closing, and to direct the other ships to follow him. Captain Elliott could not be expected to bear down without orders; and therefore, complaints of the sailors against him for not bearing down at *this* period of the action, were somewhat premature. Here Dr. Parsons disagrees with Commodore Perry, and with probabilities also. He also says that this complaint was frequently repeated till the Lawrence struck; and further, "It was at the same time observed that the Caledonia was in close action, while the Niagara, a faster sailer, was quite out of the reach of the enemy." What does he mean by *the same time*? When

the wounded first went down, which, according to Commodore Perry, must have been at or near the commencement of the action? It could not have been *then*, as no ship was *then* in close action, and there was no reason why the Niagara should be nearer to the enemy than any other ship of the squadron. Was it when the Lawrence struck? Let it be remembered that according to Commodore Perry, Captain Elliott went into *close* action *before* he, Commodore Perry, went on board of the Niagara, and that the Lawrence did not strike till after he left her! Here then, Dr. Parsons disagrees with Commodore Perry. Does he refer to the time intervening between the commencement of the action, and the striking of the Lawrence? Here again he disagrees with Commodore Perry, for he says that such complaints were repeated till the Lawrence struck, and Commodore Perry says that Captain Elliott was in close action before she struck.

Dr. Parsons says that of twenty cases of the wounded on board of the Niagara, "not more than one or two said they were wounded while Captain Elliott was on board the ship;" and further, "on board all the small vessels which Captain Elliott brought up towards the close of the action, the number of killed and wounded did not exceed two or three." The apparent object of these statements is to prove that Captain Elliott, whether on board of the Niagara or among the small vessels, kept out of the enemy's fire; and thus they rather indicate a prejudice against him, than a disposition to give a charitable construction to his conduct. Let it be admitted for a moment, and for a moment only is it admitted, that not more than one or two of the Niagara's crew were wounded before Commodore Perry boarded her. Would this prove that Captain Elliott kept aloof? The Detroit had an armament of *long* 12, 18 and 24 pounders;

and though the armaments of the Queen Charlotte and Lady Prevost were carronades, they still had some long guns, as had most or all of the British ships. The Detroit was directly opposed to the Lawrence, and Commodore Perry says that the fire of the enemy was mostly directed to that ship, and very destructive. Is it extraordinary then, that before the Niagara was in close action, or in other words, while beyond the reach of short guns, and while the long guns were playing upon the Lawrence, but few men should be injured in the former, while many in the latter were killed or wounded? The same explanation applies to the small vessels. Besides being disregarded by the enemy, who turned all his long guns upon our large ships, the small vessels, until brought up by Captain Elliott, were beyond the reach of the carronades. When brought into close action by him, they were still little noticed by the enemy, whose whole fire was directed against the Niagara and Caledonia. For these causes they were but little injured, though pouring upon the enemy a destructive fire, under the direction of Captain Elliott.

After mentioning the small number of killed and wounded on board of the small vessels, Dr. Parsons adds that the number of killed and wounded on board of the Lawrence, *before* she struck, was eighty-three. The order and juxtaposition of these statements are worthy of notice. The apparent object is to place Captain Elliott in strong and injurious contrast with Commodore Perry, by leading the reader to infer that the Lawrence fought the whole fleet of the enemy single handed, before Captain Elliott came up, and that when he did come up, so little remained to be done, that his own share of it was almost bloodless. He further says, "in conversation with two officers of the Queen Charlotte, I asked them why the Queen Charlotte directed her fire wholly upon the

Lawrence instead of the Niagara? He replied, because the Niagara was so far off we could not injure her." Who these officers were, what was their rank on board, and consequently, what were their means of knowing the reasons of the orders given by their commander, the witness leaves entirely to conjecture; and therefore the reader has a right to explain for himself. Had Dr. Parsons inquired of them *when* the Niagara was so far off as to be beyond the reach of their fire, they would probably have told him, *either* that it was at the commencement of the action, when Captain Elliott found that his own carronades would not reach the Queen Charlotte, *or* that it was after the Queen Charlotte bore away from the Niagara, and turned all her guns upon the Lawrence. But who were these "officers?" A boatswain, or a gunner, or a quarter gunner, is called an "officer," and for ought appearing to the contrary, Dr. Parsons might have picked up this statement from some such source. Nor is the verbal inaccuracy of the witness unworthy of notice. He says, "in conversation with two officers of the Queen Charlotte, &c. I asked them why, &c. *He* replied, &c." *I asked them, and he replied!* Does *he* mean both of the two? And if not, *which* of the two does it mean? He says, "the officers of the Lawrence and some of the other vessels, felt exceedingly disappointed and displeased with the official report of Commodore Perry, on account of the honorable mention there made of Captain Elliott." This is admitted, and reasons for it will be shown hereafter. He introduces midshipman Lenox as repeatedly telling him that Captain Elliott had said, in presence of Mr. Lenox, at Buffalo, "that he regretted he did not sacrifice the fleet, when it was in his power, and Captain Perry with it." Why was not Mr. Lenox introduced to speak for himself? Why did not the committee of the Legislature

of Rhode Island, to whom Dr. Parsons furnished his affidavit, also procure that of Mr. Lenox? Was he not then living, or not within reach? If the latter, the omission could have been supplied by a letter from him to Commodore Perry, or, as was the case with Lieutenant Forrest, by a letter to Lieutenant M. C. Perry. A declaration so remarkable, so replete with wickedness, with treason, so fully confirmatory of all the charges preferred by Commodore Perry, so fitted to stamp forever the reputation of Captain Elliott, so fitted to settle the public mind concerning the disputes between them, should not have been allowed to rest upon hearsay. Commodore Perry must have perceived the importance of this testimony, and would not, therefore, have overlooked the obvious necessity of producing Mr. Lenox, or of giving a satisfactory reason for the omission. But Mr. Lenox has not appeared; the testimony is merely hearsay, and is liable to all the objections that may generally be urged against this species of testimony; among which objections may be mentioned an imperfect hearing of the narrator's statements, and a misunderstanding of them. Which then is most probable; that Captain Elliott should have made such a declaration, or that Dr. Parsons should have heard indistinctly, understood erroneously, and after the lapse of five years, recollected imperfectly? Against the first branch of the alternative may be opposed the whole previous conduct of Captain Elliott, who never before was known to fail in duty, and once at least before, as every officer of the fleet could testify whenever he looked at the *Caledonia*, had behaved most energetically and most gallantly. To support the second branch of the alternative, the reader is referred to the contradictions already mentioned between Dr. Parsons on the one part, and Commodore Perry and probabilities on the other.

Dr. Parsons says that Mr. Lenox "commanded one of the small vessels." This is a mistake. The small vessels were the *Ariel*, *Scorpion*, *Caledonia*, *Porcupine*, *Somers*, *Tigress* and *Trippe*, and their commanders were Messrs. Packett, Champlin, Turner, Senatt, Almey, Conklin, and Holdup.

The next witness is Lieutenant Thomas Holdup Stevens,* who commanded the *Trippe*, and was then Lieutenant Thomas Holdup. He says that while the *Lawrence* and *Caledonia* went gallantly into close action, the *Niagara* continued to hug the wind, and remained in the same position which she had taken at the commencement of the action, till a few moments before Commodore Perry boarded her. Here he disagrees with Commodore Perry, who says that before he boarded her, the *Niagara* was carried into close action by Captain Elliott. Lieutenant Yarnall says that at the commencement of the action, the distance of the *Niagara* from the enemy was one and a half or two miles; and Commodore Perry says that he went on board of her in less than 15 minutes after Captain Elliott brought her into close action. If then she was in the same position as at the commencement of the action, until just before Commodore Perry went on board of her, either Lieutenant Yarnall is mistaken about this distance, or Commodore Perry went from one and a half to two miles in an open boat, went on board of the *Niagara*, and brought her from that distance into close action, in less than 15 minutes; or Commodore Perry's account of boarding the *Niagara* is utterly erroneous. Lieutenant Holdup Stevens therefore disagrees with either Commodore Perry, Lieutenant Yarnall, probabilities, or all three. He further says that "from the number of light sails the *Niagara* had, and there being a leading wind, Captain Elliott might at any period of the action have closed

*Appendix, E. 3.

with the enemy, and relieved the Lawrence from the dreadful and destructive fire kept up upon her from the united forces of the Detroit and Queen Charlotte." A *leading* wind, in nautical language, means a wind blowing fair, and driving a vessel onward. Lieutenant Yarnall says that from the beginning to the end of the action, the wind was sufficient to drive a vessel about two knots, which means two miles. The language of Lieutenant Holdup Stevens would imply that Captain Elliott was at no time impeded by the want of wind. A *leading* wind, or a wind from the direction fitted to propel a ship forward, and at the rate of only two knots, is certainly a very *light* wind. Commodore Perry says, "at half past 2, the wind springing up, Captain Elliott was enabled to bring his vessel, the Niagara, gallantly into close action;" and Lieutenant Yarnall says that when Commodore Perry left the Lawrence, the wind freshened and there was more then than there had been. Here Commodore Perry and Lieutenant Yarnall support each other; the language of Commodore Perry necessarily implies that Captain Elliott had been impeded by the wind, and consequently both disagree with Lieutenant Holdup Stevens.

Mr. Holdup Stevens says, "it was the general opinion of the officers and men of the squadron, that Captain Elliott did not do his duty in the action," &c. Commodore Perry says, "of Captain Elliott, already so well known to the Government, it would be almost superfluous to speak. In this action he evinced his characteristic bravery and judgment," &c. Here Mr. Stevens disagrees with Commodore Perry. He says that while Commodore Perry made every exertion to screen Captain Elliott, the volunteers paid little regard to his wishes, but expressed their opinions openly. Who were these volunteers? Why did they not appear? Why were not their affidavits taken? Only one volunteer, Captain Brevoort, has appeared in the

case, and his testimony, highly approbatory of Captain Elliott, will be introduced hereafter. He says, "it was a received opinion in the fleet, that previous to Commodore Perry's going on board the Niagara, she had but *one* man wounded, and that her opponent the Queen Charlotte, from the account of the British officers, had suffered but very slightly previous to being engaged in close action with Commodore Perry." Here he disagrees with Dr. Parsons, who reluctantly admits *two*. Who were these British officers, and to whom they gave such accounts, is not stated; but whoever they were, if they gave such account, they contradicted the official account of their commander, as will be shown hereafter. He concludes with saying it was reported from the Somers, that Captain Elliott behaved with great cowardice on board of that vessel, and very *cruelly* beat a gunner with a speaking trumpet, for having ridiculed his dodging a shot. The apparent intention of this remark is to show that Captain Elliott was stultified by fear. It proves too much, and cannot therefore be true. If it were true, it would be a conclusive argument against the intrepidity of Captain Elliott in this action, and the best witness for proving a fact so remarkable, would be Mr. Nichols, the commander of the Somers after Captain Elliott boarded her and sent Mr. Almey below. He would certainly know what transpired in his own vessel; and seeing one of his own men beaten by a superior officer of the fleet, coming on board from one of the heaviest ships, sending his own commander below, and giving the charge of the deck to himself, he would probably know the cause of the beating. Why was not *his* affidavit taken? His testimony *does* appear in the case, but unfortunately for Commodore Perry, decidedly in favor of Captain Elliott, as will appear hereafter. But this statement, for which no authority is given, proves too

much ; for it proves that an officer who never before evinced a want of courage, and who shortly before, in the capture of the Detroit and Caledonia, had distinguished himself for the most daring intrepidity, behaved like a coward in an action that had been anticipated for weeks, in presence of all the officers, and even of a whole fleet and a whole army, and with every motive of honor and interest to behave well. With military men, the highest point of honor is *courage*. Like chastity in a woman, or truth in a clergyman, military courage is a quality, the possession of which is not so meritorious as the want of it is disgraceful. To say that a soldier is *brave*, is to say what every soldier is presumed to be, and that for which no particular praise is due. But to say that he is a coward, is to impute to him the deepest disgrace ; to say that he is not merely undeserving of praise, but an object of contempt and scorn. Can it be supposed then that a captain of the American navy, already distinguished in the naval history of his country, the second in command in the first American fleet that ever fought a battle with a British fleet, and with a chance of gaining imperishable renown, of gathering laurels that would never fade, would ignominiously forfeit a well earned reputation, throw away a glorious opportunity, and render himself the scorn of officers and the butt of sailors, by an exhibition of stupid, senseless cowardice ? Had he been a raw recruit, the story were hardly credible. But for a captain of a ship, who had seen service, who had fought battles, who had before engaged the enemy, aye ! and beaten him too, the story can excite no other emotions than ridicule of its absurdity and contempt of its malignity. To dodge a shot ! to take his head out of the way of one, to put it, perhaps, in the way of another ! It is making Captain Elliott exceed the imputed folly of the ostrich, that thinks

its whole body safe when it hides its head in a corner! It is well for the honor of the American navy that this story is anonymous! That Lieutenant Thomas Holdup Stevens does not tell it upon his own authority! Sorrowful indeed would it be for a gentleman who wears an American epaulette, to own the paternity of such a tale.

But before Lieutenant Thomas Holdup Stevens gave this affidavit, he wrote a letter to Colonel Daniel Stevens, of Charleston, S. C., dated four days after the battle, of which the following is an extract.

*U. S. Sloop Trippe, Put-in-Bay, on
Lake Erie, 14th Sept. 1813.*

At 5 minutes before one, by my watch, the British Commodore fired the first gun. At 10 minutes after one the action became warm, the British vessels firing directly on the Lawrence. The lightness of the wind prevented Capt. Elliott, in the Niagara, from coming up to her assistance. The Lawrence stood the unequal contest for two hours and twenty minutes, when, all her crew being killed or wounded excepting 18, she hauled off. The gallant, the intrepid Perry, then left her, and with gallant Lawrence's motto of "DON'T GIVE UP THE SHIP," under his arm, repaired on board of the Niagara; he then hove out the signal for close action; the smaller vessels got all sweeps, and made sail; fortunately a light wind sprung up, and the Caledonia and this vessel had an opportunity of getting near the enemy. This action speaks for itself. I shall not attempt to describe the actions of any officer; the commodore, no doubt, will give them all the justice in his power.

The letter and the affidavit are utterly inconsistent, and upon the very point which the affidavit was given to support. His object in the affidavit is to prove that Captain Elliott was *not* prevented from closing with the enemy by the lightness of the wind; for he says that with her number of light sails, and there being a leading wind, the Niagara might have closed at any moment. But in this letter he says

that the lightness of the wind *did* prevent Captain Elliott from coming up to the assistance of the Lawrence! Nor is this the only contradiction. In the affidavit, he says that the Lawrence and Caledonia went into close action together. In the letter, he says that 2 hours and 20 minutes *after* the commencement of the action, during which period the Lawrence had been fighting alone, and had been disabled, a light wind sprung up, which enabled the Caledonia and his own vessel, the Trippe, to get near the enemy. Again, in the affidavit, he says that Captain Elliott did not do his duty. In the letter he says, "This action speaks for itself. I shall not attempt to describe the action of any officer. The commodore, no doubt, will give them all the justice in his power." By this language he means that all the officers behaved well; so well that he could not adequately describe their merits, and therefore should not attempt it. Again, in this letter, he says that Captain Elliott was prevented from getting up by the lightness of the wind, and that after Commodore Perry boarded the Niagara, he gave the signal for close action. By this he plainly implies that the Niagara was not in close action till after Commodore Perry boarded her, and here he contradicts the commodore, who says that the Niagara was in close action before he boarded her. Once more. He says that Commodore Perry left the Lawrence with a certain flag, called the *motto flag*, under his arm. Here he disagrees with Commodore Perry, who says that this flag was still flying on board of the Lawrence when he left her.

The next witness is sailing Master Champlin,* who commanded the Scorpion. He, like Lieutenants Turner and Stevens, and Dr. Parsons, contradicts Commodore Perry in saying that the Niagara kept

* Appendix E. 4.

at a long distance, until a short time before Commodore Perry boarded her. The apparent object of his testimony is to show that the Niagara did not go into close action until boarded by Commodore Perry, and thus he impliedly contradicts the commodore. He says the Niagara, a short time before Commodore Perry boarded her, "ranged ahead of the Lawrence, and to windward of her, bringing the commodore's ship between her and the enemy, when he might have passed to leeward and relieved the Lawrence from their destructive fire." His apparent object in this is to show that the Niagara not only endeavored to avoid the enemy's fire, but to abandon the Lawrence to her fate. But how, it may be inquired, got the Niagara thus ahead of the Lawrence, or in other words, how came she the headmost ship in the line, while yet under command of Captain Elliott, if, as Mr. Champlin has already said, she continued to keep at long shot till boarded by Commodore Perry? Here Mr. Champlin disagrees with himself. This movement of the Niagara will be explained hereafter, and to every unprejudiced and experienced seaman, will show the nautical skill and judgment of Captain Elliott. It was *this* movement that retrieved the fortune of the day! He says it was the opinion of the officers and men of the squadron that Captain Elliott did not do his duty in this action. If it shall hereafter appear that a large number of the officers thought otherwise, the reader will probably regard this statement of Mr. Champlin as too vague and indefinite to be very conclusive. He repeats the tale about the chain-shot; which again induces the question, how should such affair happen without the knowledge of the commander of the Somers? He then quotes a conversation between Captain Elliott and himself about *prize money*, in which he charges Captain Elliott with saying, that the officers of the

Lawrence were not entitled to any, having surrendered their vessel ; but that those of the other ships were entitled to it for re-capturing her. It is not improbable that Captain Elliott said something of the kind, but by way of quoting the remarks of other officers, and not as his own suggestion. This subject will be examined hereafter, and satisfactorily explained. He also charges Captain Elliott with saying that during two hours and a half, he was so far from the enemy that he only fired his 12 pounders, and assigned as a reason that he had no signal from Commodore Perry to change his situation. That Captain Elliott fired his long guns only, for a time, and because his carronades would not reach, is true, and will be proved hereafter. It is also probable that he had no signal to change his situation ; for according to Mr. Champlin, he found his way to the head of the line before Commodore Perry boarded the Niagara, and Commodore Perry says that the signal for close action was given afterwards. Then if Commodore Perry and Mr. Champlin be taken together, Captain Elliott was justified in keeping at long shot, because he had no orders to do otherwise, and changed his situation afterwards upon his own responsibility, and upon view of the absolute necessity of the case. But Mr. Champlin seems to imply that this declaration of Captain Elliott was not true, and that he *had* orders to change his situation ; and by implying this, he disagrees with Commodore Perry. He closes his affidavit by ascribing to Captain Elliott the same treasonable expression that was imputed to him by Dr. Parsons, and gives for it the authority of Midshipman Senatt and the citizens of Buffalo. There is something exceedingly mysterious in this affair. Dr. Parsons quotes Midshipman Lenox, Mr. Champlin quotes Midshipman Senatt and the citizens of Buffalo. Why were neither of these officers nor any of these

citizens produced? As was before said, in commenting upon the testimony of Dr. Parsons, the necessity of producing these witnesses to declarations so remarkable, and so fatal to Captain Elliott if proved, must have been too obvious to Commodore Perry to be overlooked. Who were these citizens of Buffalo, and where are their affidavits? Is it possible that Lieutenant Champlin could hear a captain of the American Navy charged with treasonable expressions, without having either his curiosity or his indignation excited, and without noting and remembering the accusers? If he believed the charge, his duty was to report it to the Secretary of the Navy. If he believed it not, his duty was to defend a brother officer from a calumny so atrocious. If he wished to aid Commodore Perry in his dispute with Captain Elliott, he would not have overlooked an opportunity of procuring testimony so conclusive. If he believed Captain Elliott to be falsely accused, he would have communicated to him the charge and the names of the accusers, and thus have furnished him with the means of defense. In whatever light this charge is viewed, it presents an extraordinary aspect; it is stamped with the impress of improbability. It shows that the recollection of Mr. Champlin was very inaccurate, or that his ideas were in a state of utter confusion; and in either case, the value of his testimony is destroyed.

The next witness is Thomas Breeze, Esq.* Captain's clerk, who was on the quarter deck of the *Lawrence* during the action. His story is a repetition of those already told about Captain Elliott's keeping at long shot, in which he disagrees with Commodore Perry. He also says that from some mysterious cause, the *Niagara* continued to occupy the same

* Appendix E. 5.

station as at the commencement of the action, after the *Lawrence*, *Caledonia*, *Scorpion*, and *Ariel* went into close action. Here he disagrees with probabilities, if not possibilities. All the witnesses agree that the distance between the two squadrons at the commencement of the action, was about two miles, and Mr. Holdup Stevens says there was a leading wind. If this be true, how could the other vessels sail into close action, or over nearly the whole of this distance, while the *Niagara* remained all the while in the same position? Had every sail been furled, this leading wind would have borne her along; and to have remained stationary, she must have cast anchor! Thus incautiously, thus extravagantly, thus utterly unconscious of the value and signification of terms, do witnesses testify, when warped by prejudices and partialities, when seeing through the discolored medium of friendship or enmity. But Mr. Breese says, that the *Ariel* and *Scorpion* went into close action along with the *Lawrence* and *Caledonia*, and is the only witness to this statement. The manifest object of all the other witnesses is to place Captain Elliott in unfavorable contrast with Commodore Perry and Lieutenant Turner, by showing that while *he* was at long shot, *they* were in close action. Had other vessels of the squadron also been in close action, the distance of Captain Elliott would have been still more remarkable and difficult of explanation, for he would not have had the countenance and example of such other vessels. Where all were required to be in close action, the more there were in it, the less excuse would there be for those who were out of it. This argument was too good for Commodore Perry to be overlooked by the officers who seem so anxious to testify in his favor, and they had as many opportunities of seeing what happened, as Mr. Breese. If then the *Ariel* and *Scorpion* had gone into close action, along with the

Lawrence and Caledonia, they could not have failed to see it, and would not have failed to remember and report it. Yet are they silent upon the subject, and therefore impliedly in contradiction with Mr. Breese. It is true that theirs is mere negative testimony upon this point, and that the positive assertion of one witness is not always contradicted by the silence of others upon a point which he may have known, and which they may not have known. But where one states as a fact what others had equal opportunities of seeing, and indeed could not have failed of seeing if it happened, and moreover felt a strong interest for a cause in support of which this alleged fact would be highly important testimony, *and yet are silent about it*, the contradiction is as complete as if they had spoken in direct opposition to the first witness. Either the other witnesses forgot a most important fact, and cannot therefore be relied on for accuracy of recollection, or the memory of Mr. Breese has become so confused, that he supposes to be fact what never happened, and is therefore liable to the same objection. He quotes some British officers as saying that the Queen Charlotte changed her position, bore away from the Niagara and fired upon the Lawrence, because their guns would not reach the former vessel. How distorted is the vision of those who see through their friendships or enmities! It may be true, and doubtless was true, that the short guns of the Queen Charlotte would not reach the Niagara, and that she left her position, bore nearer to the head of the line, and fired upon the headmost and nearest ship. But *when* this was done, the witness does not state. The facts are as follows. The commander of the Queen Charlotte, perceiving that his short carronades, *shorter* than those of the Niagara, did not reach her antagonist, while the *longer* carronades and two long guns of the Niagara were very destructive, bore away to the head of the line

and fired upon the Lawrence, for the double purpose of avoiding the Niagara's fire, and of aiding the Detroit, Hunter and Lady Prevost to cripple the headmost ship, and then the others successively. Besides, the British officers, wishing to avoid the imputation of running away from the Niagara, would naturally attempt an explanation. Yet does Mr. Breese, in saying that the guns of the Queen Charlotte would not reach the Niagara, leave the reader to infer that the latter kept aloof from the battle. Mr. Turner, Mr. Champlin, and Mr. Breese himself, all say that shortly after the commencement of the action, the Queen Charlotte closed with the Detroit and fired upon the Lawrence. Yet the reader might infer from the affidavit of Mr. Breese, that the Queen Charlotte made this movement long after the battle began, and that Captain Elliott was still out of reach. If he intends to imply this, he not only disagrees with Messrs. Turner and Champlin, but himself also. This indefinite mode of testifying, by which a party may be run down by inference and implication, is liable to very serious objections, and should always be very cautiously received. In a majority of cases, the inferences that *may* be drawn from such indefinite statements, would be utterly excluded by statements more minute. So necessary is it, and yet so difficult, in cases involving *character*, to obtain all the *facts*.

He also repeats the *dodging* story. This story, like poor Mungo in the Padlock, "Here, dere and ebery where," flits through all these affidavits, and always upon the same *anonymous* authority. It is always introduced as "said," as "reported," but nobody is ever introduced to *say* or *report* it. It never has any voucher; it always skulks behind some impersonality; it is never chaperoned by any other nominative case than that grammatical nobody, *it*. Dean Swift very wisely says that using a weak argument

detracts from the force of the strong one. So the telling of a tale utterly improbable, necessarily throws a doubt upon statements in connection with it that are credible in themselves, and which might be believed if standing alone. The telling of a tale so ridiculous destroys the testimony of these witnesses; not because it convicts them of falsehood, a thing hardly credible of an American officer, but because it shows their credulity to be boundless, and their prejudices overpowering. The friends of Commodore Perry do not enhance their character for discretion, by thus indorsing paper that nobody will sign.

The next witness is Mr. Brownell,* sailing master's mate of the Ariel in the battle. He goes farther than either of the other witnesses, for he says that while the Lawrence went into close action, the Niagara continued to keep at a much greater distance astern than when the battle began. In this he not only contradicts Commodore Perry, but all the other witnesses against Captain Elliott, all of whom insist that he did not go into close action, but no one of whom says that he *retrograded*, or *ran away*! He mentions the Niagara's *backing her maintopsail and brailing up her jib, which prevented her from firing any but her bow guns*. It is admitted that such movements were made with the sails of the Niagara, and were seen from the Ariel; but how any officer in the Ariel could know either their object or effect, is somewhat remarkable. This positive statement of what Mr. Brownell could merely suppose, but could not know, shows his disposition to construe uncharitably the conduct of Captain Elliott, and consequently the strong prejudice under which he testifies; and this must greatly diminish the value of his testimony. He admits that the Niagara ranged ahead of the Lawrence, just before Commodore Perry boarded her.

* Appendix, E. 6.

Captain Elliott must then have subdued his fears or his treason, to change from a *retrograde* to a forward movement; to pass "from a much greater distance astern than when the action commenced," to the head of the line, or the nearest to the enemy; and that too while the enemy was pouring his whole fire upon the headmost ships, had already disabled the *Lawrence*, and was ready, with all his guns, for the vessel that should take her place. If Mr. Brownell does not thus virtually contradict himself, he represents Captain Elliott as evincing very inconsistent and contradictory conduct at different periods of the action. The reader has the alternative of believing Mr. Brownell to be led by his prejudices into an inconsistent story, or Captain Elliott to have been a poltroon or a traitor at one moment, and a hero or a patriot at the next! Men seldom pass rapidly to such opposite extremes! He says that the officers of the squadron, and the volunteers, expressed great indignation against Captain Elliott. Unfortunately for this *anonymous* charge, officers and volunteers that will appear hereafter in proper person, tell a very different story. The shot is again dodged! When the ghosts of those whom Richard had murdered, come to haunt the dreams of the sleeping monarch, each begins its tale of horror with saying

"Let me sit heavy on thy soul to-morrow,!"

and "Let me sit heavy on thy soul to-morrow!" is repeated by each inhabitant of the shades as it comes along in its winding sheet, till the reader or the auditor finds all supernatural illusion at an end, and his own laughter irrepressible. So of these witnesses. Each as he comes along with his accusatory tale, adorns it with saying that Captain Elliott dodged a shot! It is believed that by this time, the reader is disposed to dodge it also; glad by any means to get out of its way.

The reader will bear in mind that when Captain Elliott boarded the Somers, he found her commander, Mr. Almey, in a state of helpless intoxication, sent him below, and put the deck under command of Mr. Nichols. Mr. Brownell says that Mr. Almey was sober. Another officer, to be introduced hereafter, says he was not. Why was not the affidavit of Mr. Almey taken? He certainly knew and could tell whether the charge was true or not. If he were sober, he was wrongfully arrested by Captain Elliott, and could have cleared himself from the charge before a court of inquiry. Why was none held? But Mr. Brownell says he was ordered to the Somers a *few* hours after the action, and found Mr. Almey perfectly sober! Very probable; for there is nothing extraordinary in a man's being drunk at one hour and sober at another. He says *a few* hours afterwards; which is a very indefinite expression, for any number is *a few* by comparison, and his *few* hours might be two, four, six, eight or ten. The shortest of these periods is sufficient for some men to pass from helpless intoxication to perfect sobriety; and for aught that appears in the testimony, Mr. Almey might be one of such men, and have been seen by Mr. Brownell eight or ten hours after his intoxication. Besides, there is good printed testimony to prove that nothing is more efficacious in sobering an intoxicated officer, than an arrest. When Lieutenant Cassio, both staggering and stammering from ebriety, though *he* thought that he could "stand well enough and speak well enough," was arrested by General Othello, he immediately became perfectly sober, and lamented very pathetically and very rationally to Ensign Iago, over his fallen condition. So Mr. Almey might have been Cassio drunk when arrested by Captain Elliott, and Cassio sober when seen by Mr. Brownell. And yet by such a statement as this, so vague and indefinite

as to prove nothing, absolutely nothing, is Captain Elliott to be convicted of gross misbehavior, of oppression towards an officer, and of falsehood and calumny in pronouncing a sober man intoxicated!

He repeats the treasonable remark already imputed to Captain Elliott, and quotes Mr. Champlin as authority. If Mr. Champlin had stated the whole conversation in which Captain Elliott is said to have uttered this declaration, its meaning might appear from the context, and be very different from what Mr. Champlin seems to suppose. Patriotism may be changed into treason, honesty into fraud, truth into falsehood, and any crime may be proved against the most innocent, by this practice of selecting and detaching sentences from their context. "Top knot come down" is an illustration familiar to most readers. It is more probable that Mr. Champlin should misunderstand, or quote erroneously, than that Captain Elliott should utter treason.

Mr. Brownell quotes Mr. Magrath as regretting that he had signed a letter prejudicial to the character of Commodore Perry, and saying that he would sacrifice his right arm to withdraw his name from such paper. Here Mr. Brownell is under some strangely erroneous impression, and must have misunderstood Mr. Magrath. That gentleman signed no letter prejudicial to Commodore Perry, or any that implies aught against him. With his brother officers of the Niagara, he signed a letter of congratulation to Captain Elliott, of most respectful and affectionate character. He also signed, in common with the same officers, a letter to the Secretary of the Navy, giving an account of the action, and of Captain Elliott's important services in it. But neither of these letters exhibits any base attempt to exalt one officer by degrading another. The first is dated nine days, the second thirty-three days after the battle, and both

were manifestly caused by discussions previously held among the officers, concerning the respective merits of Captains Perry and Elliott in the action, and by the belief of those of the Niagara, that full justice was not awarded to the latter in the official report. Mr. Magrath, being an officer of the Niagara, had ample opportunity for witnessing the deportment of Captain Elliott; and that deportment being the subject of much conversation, he must have been at particular pains to record it in his memory. Besides, having been particularly complimented by Captain Elliott, as appears from Commodore Perry's official report, he could have had no inducement of personal animosity to construe his commander's conduct uncharitably. These letters, and especially the latter, must then have been signed after mature deliberation, after great pains to be accurate in his statements, and with full knowledge of what he signed. What could happen afterwards to change these opinions? He could not have obtained more light on the subject, for no officer of the squadron could tell him any thing about the conduct of Captain Elliott in the battle, which he did not already know. The statement of Mr. Brownell proves too much, and cannot therefore be correct; for it proves not only that Mr. Magrath falsified his own deliberate declarations, made in several different instances, and without any assignable motive, but that he expressed regret for doing—— *what he never did!* Mr. Brownell must have misapprehended him most strangely. He also quotes Captain Bignall, a British officer, as saying that had Captain Elliott belonged to the British Navy, he would have been hanged. That Captain Bignall said so is not improbable, for personal animosity against Captain Elliott seems to have existed among the British officers. This subject will be investigated hereafter, and fully explained.

The last witness is Mr. Taylor,* Sailing Master of the Lawrence. After repeating the account of the action already given by the other witnesses, he says that the Lawrence, Ariel and Scorpion continued to approach the enemy until within canister range. Here he agrees with Commodore Perry about the Lawrence, but not about the other vessels, and disagrees with all the other witnesses; and here it may be well to notice the singular discrepancies among these witnesses about the distance of the Lawrence from the enemy. Commodore Perry says she went within canister shot distance, which, with a carronade, the species of guns composing her armament, is about three fourths of a mile, or 1320 yards. Lieutenant Yarnall said before the Court of Inquiry, "we ran down and came within about half musket shot," which is about 60 yards. Lieutenant Forrest said before the same Court, that the Lawrence was "at point blank shot distance with a carronade," which is about 450 yards, and in his letter to Lieutenant M. C. Perry, he said she was in *close action*, or about 350 yards. Messrs. Turner, Stevens, Champlin, Breese and Brownell say she was in *close action*, or about 350 yards, and Mr. Taylor says she was "within canister range," or, as before said, 1320 yards. Thus do these statements differ about 1260 yards. To show this discrepancy to the reader in the strongest light, they may be stated in tabular form, thus:

Com. Perry,	Canister range, .	1320 yards.
Mr. Taylor,	Ditto, .	1320 "
" Forrest,	Point blank, in court,	450 "
" "	Close action, in letter,	350 "
" Stevens,	Close action, .	350 "

Mr. Turner,	Close action,	. . .	350 yards.
" Champlin,	Ditto,	. . .	350 "
" Breese,	Ditto,	. . .	350 "
" Brownell,	Ditto,	. . .	350 "
" Yarnall,	Half musket shot,	. . .	60 "

The discrepancies in these accounts may be stated as follows :

Greatest difference,		1260 yards.
Least ditto,		100 "
Difference between the two highest,		870 "
Ditto " the two lowest,		290 "
Ditto " the highest and third,		970 "
Ditto " the lowest and second,		390 "
Ditto " the second and third,		100 "

This alone is sufficient to refute these witnesses, for it shows that their recollection of facts is very confused and imperfect. It shows that while they may endeavor to state correctly, they recollect so very little of what they undertake to state, that little reliance can be placed upon their testimony.

He says that shortly after the action commenced, he "observed the Niagara at a considerable distance astern, with her jib brailed up and her maintopsail to the mast," and that he is "strongly impressed with the belief that her topgallantsails were never set till Commodore Perry went on board of her." There is a mode of narration by which all the facts which *are* stated, are stated correctly, but from which the reader or hearer may draw very erroneous inferences. Such is the case here. The Niagara was a *considerable distance* astern of the Lawrence! But what is a considerable distance? If the Lawrence, Caledonia and Niagara were in close order, the Caledonia being in the middle, the Niagara might still have been

at a considerable distance astern of the Lawrence, though actually foul of the Caledonia. So the maintopsail was aback and the jib brailed up ; but it does not follow that this was done to keep aloof from the enemy, though such seems to be the intimation of Mr. Taylor. This subject will be explained in due time. He gives an animating description of Commodore Perry's danger in passing, in an open boat, from the Lawrence to the Niagara ; and as it is not to be supposed that Mr. Taylor would commit the folly of inserting this description without some object, the reader is to suppose that such object was to contrast the gallantry of Commodore Perry with the cowardice of Captain Elliott. But if it shall be shown, as it will be, that Captain Elliott was equally exposed in an open boat, the *effect* of the argument fails, though its character remains, and Mr. Taylor is entitled to the credit, not of proving any thing by it, but of being willing to use it. He says it was a considerable time, with all the exertions of the boat's crew, before they could come up with the Niagara, and by this he implies that the Niagara was very distant. This is another instance of that insidious mode of narration pervading all these affidavits, which, without directly mistating facts, leaves the reader to draw very injurious inferences. Granting that a *considerable* time elapsed before Commodore Perry reached the Niagara, what does it prove concerning the distance of that vessel ? Nothing ! Absolutely nothing, till the term *considerable* be defined. Does it mean one hour ? The distance of the Niagara might then be proved by showing how far a boat's crew could row a boat in that time, the moving capability of the boat, the number and strength of the crew, the length of their oars and the state of the water being given ! He then says that when Commodore Perry did get on board, he *immediately* brought her into close action.

Here he disagrees with Commodore Perry, who says she was in close action before he boarded her. He also impliedly contradicts himself. By saying that the boat's crew were a *considerable* time in reaching the Niagara, he implies that she was at a considerable distance ; but by adding that when Commodore Perry got on board, he immediately brought her into action, he implies that the Commodore brought her up in very little time. What ! From this *considerable distance*, which it required the boat's crew a *considerable time* to reach ? Was the Niagara so far off before he boarded her, that a *considerable* time was required for the boat's crew to reach her, and yet so near so soon as he boarded her, that it required but little time to bring her up to the enemy ? As both the Lawrence and Niagara were to windward of the enemy, and, according to Mr. Taylor, the former nearest, the distance from the Lawrence to the Niagara was manifestly less than that from the Niagara to the enemy. Now, as seamen well know, a boat can be rowed faster than a vessel can sail, where the wind is light and the water rather smooth ; consequently, one would suppose, a boat could reach the Niagara from the Lawrence sooner than the Niagara could reach the enemy. Yet, according to Mr. Taylor, a *considerable* time was required for a boat to pass the lesser distance, while little was required for the vessel to pass the greater ! Into such absurdities are men unconsciously led, when blinded by prejudice.

He says he complained to Commodore Perry that most of the effective men of the squadron were engrossed by Captain Elliott for his own ship, but that the Commodore did not think proper to make any alteration. Then was Commodore Perry grossly unmindful of his duty ! Then did he most unjustifiably acquiesce in an arrangement which might have caused the loss of the fleet ; and for such result, had

it happened, he would have deserved to be condemned by a Court Martial and shot! What! When a battle was daily expected with a powerful fleet, the superior of his own in number and *length* of guns, which last circumstance was an eminent advantage in a light wind, or when the enemy had the weather gage, and when the whole fleet was deficient in effective seamen, to permit one ship of the squadron to engross the majority of them, and thus to leave all the other ships crippled for want of hands? To reduce eight ships to imbecility, and to crowd the whole effective force into one? Was this evincing the skill, judgment and vigilance of an accomplished seaman, and the fidelity of a good patriot? Commodore Perry could not have so erred! Being commander in chief, and consequently having both the right and the duty to prescribe all the arrangements, it is not to be supposed that he would permit one so fraught with danger to the fleet. The Italian proverb "Save me from my friends and I will take care of my enemies," was never more fully exemplified than by this affidavit of Mr. Taylor. In an attempt to aid his friend in a dispute, he incautiously charges him with gross stupidity or gross infidelity to his country; with utter incompetency or thorough unworthiness! If Commodore Perry is to be served thus by his friends, his reputation were safer in the hands of his enemies.

The witnesses who testified against Captain Elliott before the Court of Inquiry in 1815, and those who gave their affidavits to the Committee of the Legislature of Rhode Island in 1818, have now been reviewed; and if witnesses who disagree with themselves, with each other, with the party whom they are called to support, and with probabilities in some cases and even possibilities in others, can fix upon Captain Elliott the charges of cowardice and treason, then does he stand convicted!

CHAPTER IV.

Battle of Lake Erie. Commodore Perry's official report.

WE will now take the official report and other documents furnished by Commodore Perry, and see how far he agrees with himself, and how far he agrees with probabilities. As he is the principal witness against Captain Elliott, he will receive a particular examination. The reader will remember that in noticing the other witnesses, we have attempted to refute them by showing contradictions between them and Commodore Perry; and if we now refute Commodore Perry, shall we not thereby restore their credibility? By no means; for laying the testimony of Commodore Perry entirely out of the case, *their* testimony is destroyed by their contradictions of themselves and of each other. Besides; disagreement between two witnesses, or sets of witnesses, while it shows that one of them must be wrong, does not show that the other is right. The other may be wrong also. Both *cannot* be right; one *must* be, and both *may* be, wrong. Should they all agree, their testimony would not *therefore* be conclusive, for agreement may result from concert. But should they disagree upon an essential point, this disagreement demonstrates that all of them cannot be relied on; and if it be impossible to decide which of them is in error, the whole of them must be rejected for uncertainty. Commodore Perry disagrees with his own witnesses,

and he or they must therefore be wrong. They disagree among themselves ; and it being impossible to decide which of them is right, they are all to be rejected as wrong. They being thus disposed of, it does not follow that Commodore Perry is right, and if he be confuted also, his confutation cannot restore them. He may aid in confuting; not because his own testimony is correct, but because it adds to the chain of disagreements by which they are confuted. He then stands upon separate ground, and should receive a careful and candid examination.

The first document furnished by him is his official report,* and the first point that presents itself against this, is its mysteriousness, its want of clearness and distinctness in detail. A careful reader of this report is almost irresistibly led to the conclusion that the whole story has not been told ; that some facts have been forgotten or suppressed. In a battle where the number of ships is small, the plan of attack simple, the movements neither numerous nor complicated, and the whole field of action within the compass of vision of a single eye, the commander, if competent to and mindful of his duties, must witness every important fact that transpires. In the official report of such a battle, though a reader may not expect a description of all the details, yet he will expect clearness, precision and accuracy in what are described. He will expect no confusion about time, place or event. He will expect that events will be described in the order of time in which they occurred, and distinctly referred to their appropriate places. He will expect every thing to be *so* described, that he can follow the narrator, without difficulty, through a regular chain of events, and perceive how each happened in regular succession, through the whole time embraced by the

*Appendix, A.

narrative. Whether this official report be thus precise and accurate, or not, is a question for the reader to decide.

The inquiry first suggested is, what was Commodore Perry's plan of attack? *What it ought to have been* is manifest from his own description of the enemy's force; and that he knew the species and amount of this force before the battle, is what can hardly be questioned. He doubtless knew that the Detroit had an armament of *long guns*; for to know this, if practicable, was his duty, and the means of ascertaining it were too numerous to leave any doubts of its practicability. Knowing this, he surely was seaman enough to be sensible of the enemy's superiority at long shot, and of the importance of bringing him to close action as speedily as possible. If, then, his own account be taken, he has the alternative, *either* of not perceiving the importance of this movement, and therefore of wanting skill, *or* of purposely disregarding it, and therefore neglecting his duty. He says, "Finding their fire very destructive, owing to their long guns, and it being mostly directed to the Lawrence, I made sail, and directed the other vessels to follow, for the purpose of closing with the enemy." It seems then that his *making sail and directing the other vessels to follow for close action*, was in consequence of *discovering* the destructive power of the enemy's long guns; or, in other words, that closing with the enemy was not his original plan of attack, but *a deviation from that plan, suggested by something occurring after the battle began*. What then was the original plan? He does not say. Could it have been any other than the only plan which offered any prospect of success; the only plan which could prevent his own ships from being destroyed in detail by *long guns*, closing with all possible speed? To save Commodore Perry from

the imputation of total incompetency to this command, or gross neglect of duty, imputations to which he certainly was not liable, it must be admitted that *close action* was his original plan of attack. Why, then, does he mention it as an afterthought, suggested by events in the course of the engagement? Here is confusion, obvious confusion of ideas, which is alone sufficient to throw a doubt upon this official report; not a doubt about his veracity, but about his clearness of views and accuracy of description. A witness who thus stumbles in the very threshold, whose very first statement involves an absurdity, may as well keep out of the case. At least he does not give promise of becoming very formidable, unless to his own side.

Though he states to a minute when each squadron began to fire, he does not say *when* he discovered this destructive power of the enemy's *long* guns; but as their fire was principally upon his own ship, it may be fairly presumed that he made this discovery soon after the fire commenced. After mentioning the order to close with the enemy, he proceeds:

“Every brace and bowline being shot away, she became unmanageable, notwithstanding the great exertions of the sailing-master. In this situation she sustained the action upwards of two hours, within canister-shot distance, until every gun was rendered useless, and a greater part of the crew either killed or wounded. Finding she could no longer annoy the enemy, I left her in charge of Lieut. Yarnall, who, I was convinced, from the bravery already displayed by him, would do what would comport with the honor of the flag. At half past 2, the wind springing up, Capt. Elliott was enabled to bring his vessel, the *Niagara*, gallantly into close action; I immediately went on board of her, when he anticipated my wish by volunteering to bring the schooners, which had been kept astern by the lightness of the wind, into close action. It was with unspeakable pain that I saw, soon after I got on board the *Niagara*, the flag of the *Lawrence* come down, although I was perfectly sensible that

she had been defended to the last, and that to have continued to make a show of resistance would have been a wanton sacrifice of the remains of her brave crew. But the enemy was not able to take possession of her, and circumstances soon permitted her flag again to be hoisted. At 45 minutes past 2, the signal was made for close action. The Niagara being very little injured, I determined to pass through the enemy's line, bore up and passed ahead of their two ships and a brig, giving a raking fire to them from the starboard guns, and to a large schooner and sloop from the larboard side, at half pistol-shot distance. The smaller vessels at this time having got within grape and canister shot distance, under the direction of Capt. Elliott, and keeping up a well directed fire, the two ships, a brig and a schooner, surrendered, a schooner and a sloop making a vain attempt to escape."

What! Did the Lawrence become unmanageable *immediately after* he gave orders for close action, or in other words, immediately after the battle began? According to the account, the duration of the battle was about three hours; for at 15 minutes before 12, the British began to fire; at half past 2, the Niagara was brought into close action; Commodore Perry went on board of her immediately, i. e. at half past 2; at 45 minutes past 2, he gave the signal for close action, bore up and passed through the British line, and compelled the enemy to surrender, "instantly," according to Lieutenant Turner, "in a short time," according to Lieutenant Forrest, and "in a few minutes," according to Lieutenant Taylor. Between 15 minutes before 12, and "instantly," or "a short time," or "a few minutes," after 45 minutes past 2, the period included is about three hours. But the Lawrence became unmanageable before this time elapsed; for he says, *at half past 2, the Lawrence being no longer able to annoy the enemy, he determined to leave her, immediately went on board of the Niagara, and saw the flag of the Lawrence come down soon after he got on board.* If then the Lawrence ceased to fire at

half past 2, and struck immediately afterwards, two hours and 45 minutes elapsed from the commencement of firing to her surrender; and if she sustained the action "upwards of two hours with every brace and bowline shot away," all this damage must have been done in 45 minutes, and as much *less* as is included in the term *upwards*. The reader will recollect that the distance between the two fleets at the commencement of the action, was one and a half or two miles, and that the Lawrence got only within canister distance, or about three fourths of a mile, and therefore must have sailed only about three fourths of a mile before *every brace and bowline was shot away*. But as this damage was not done by a single discharge of the enemy's guns, but by different shots, from the beginning to the end of this 45 minutes, her sailing must have been impeded by damage from the beginning, and continually so, until effectually prevented by the destruction of *every brace and bowline*. Consequently she must have past over this three fourths of a mile very slowly, have occupied the whole of the 45 minutes in doing it, and therefore must have received most or all of this damage at *long shot*. Is it probable that so much damage was done at so great a distance, in so little time? Had all the long guns of the enemy been directed to the rigging of the Lawrence, which was not the fact, could they have so effectually demolished it in 45 minutes, or *less*, at a distance of from three fourths to one and a half or two miles? The history of naval warfare exhibits few such examples.

But admitting this tremendous despatch on the part of the enemy, what should the reader expect afterwards? With every brace and bowline shot away, and completely unmanageable, the Lawrence still sustains the action *upwards of two hours within canister-shot distance!* And as no rigging remained

to fire at, this fire of *two hours and upwards* must have been aimed at her hull. If then the enemy were able to demolish her rigging in 45 minutes or *less*, at *long shot*, what must they have done with her hull in two hours and upwards, within canister distance? *Either* their aim must have declined in accuracy, and their shot in force, as their mark approached, *or* the Lawrence must have been sunk, or torn into splinters!

Again: He says the Lawrence sustained the action, within canister distance upwards of two hours. As canister distance is three fourths of a mile, and as the fleets were about one and a half miles from each other at the commencement of the action, the Lawrence passed only one half of this distance before every brace and bowline was shot away, and continued precisely at this distance for upwards of two hours afterwards. She must then have remained stationary, or have moved onward with the same velocity as the enemy's ships, with their sails and rigging still in manageable condition. If she moved onwards, it must have been by drifting, as her sails were unmanageable. The enemy, though to leeward, with their sails in manageable condition, which must be presumed till the contrary be shown, had the power of keeping up and permitting the Lawrence to approach, or of moving onward at a distance of their own choosing. If they had been disposed to keep up, the Lawrence could not have continued upwards of two hours at canister distance; for as the wind, according to Lieutenant Yarnall, was sufficient to propel a vessel two knots, which means two miles in an hour, and as, according to Lieutenant Holdup Stevens, the wind was a *leading* wind, its action upon her hull alone would have driven her forward, and continually nearer. If they were disposed to keep at their own distance, they would have chosen a distance

beyond the reach of her short guns, and near enough to reach her with their long guns; and for this purpose, canister distance was too near. She could not then have continued upwards of two hours within canister distance, unless both remained stationary, *which was impossible*, or unless they, with the power of choosing their distance, while she was unmanageable, chose a distance the worst for themselves and the best for her, *which is improbable*. But if the Lawrence and the enemy did remain stationary upwards of two hours, at canister distance, where were the other ships of our squadron during this period? They could not have passed the Lawrence; for if they had, the enemy could not have fired at her upwards of two hours, unless through their sides, or over her mast-heads; and their directing their whole fire to her and overlooking nearer ships, is too extraordinary to be supposed. If then the other ships remained astern of her during these two hours and upwards, and their distance from the enemy at the commencement of the action was one and a half miles, they must have occupied upwards of two hours in sailing three fourths of a mile, and remained stationary afterwards. But this supposition is inadmissible; for being little injured in sails and rigging, having a leading wind of two knots, and all but the Niagara, according to Commodore Perry's witnesses, making all possible efforts to advance, they must have sailed, during these two hours, not less than four miles. The enemy likewise must have sailed not less than three miles during the same period, as the action began with a distance of one and a half miles, and ended with close action, or about 350 yards. The other ships must then have left the Lawrence astern; for they could sail faster with their sails in good condition, than she could *drift* with no sails at all. The courses of the squadron in relation to each other

would not have affected this result. Had ours been *bearing down* before the wind, and the British *standing off* to prevent a nearer approach, or *keeping up* to close, the Lawrence would have been outstripped by the other ships. But our squadron was not *bearing down*. The two squadrons were advancing in parallel lines, oblique to the wind, continually changing both their *actual* and their *relative* position; their *actual* by continually moving onward from the southeast to the southwest shore of the Lake, and their *relative* by continually approaching each other, the distance between the two parallel lines which they described, continually diminishing from the American side. The wind being equal to two knots, the two fleets must have advanced four miles in a southwesterly direction in these two hours; and unless the Lawrence could *drift* as fast as they could *sail*, she *must* have been left astern. This part of Commodore Perry's report *cannot* then be correct; for the Lawrence, with every brace and bowline shot away, and rendered completely unmanageable, *could not* have sustained the action upwards of two hours, within canister shot distance.

After mentioning the striking of the Lawrence, he says that "circumstances soon permitted her flag again to be hoisted." What were these circumstances? Why are they not described, or at least alluded to? What! After his own ship had been disabled, abandoned by himself, and surrendered by his officers, could the enemy have been prevented from taking possession of her, and could her flag have been hoisted again, without the interposition of something extraordinary? And was an event so extraordinary, preventing something so important as the capture of the commander's ship, too insignificant to be noticed in the official report? An omission so extraordinary casts a shade of mystery upon this report, well fitted to impair the

reader's confidence in its accuracy. These "circumstances" will be explained in due time, and will show conclusively to whom the country is mainly indebted for the honor of that victory.

He says that at 45 minutes past 2, the signal was given for close action. He had previously said that at the commencement of the action, he had made sail and directed the other vessels to follow, for the purpose of *closing*, in consequence of finding the enemy's long guns very destructive. How could he direct the other vessels to follow, excepting by signal? And what could that signal be, excepting the signal for close action? Only three modes of communication among ships of war under sail are now, or were then in use, viz. by signal, by trumpet, and by boat. Signals, being the most expeditious, are always used for communicating what may be called *general orders*, the meaning of which does not change, and which, therefore, can always be expressed by conventional signs; such as orders to *sail*, to *cast anchor*, to *follow*, to *stand off*, to *fire*, to *cease firing*, to *come to close action*. *Particular orders*, suggested by the exigency of the moment, cannot be communicated by such conventional signs, because, the exigency not being foreseen, the signs cannot be agreed upon. Such must be left to the trumpet when the ships are sufficiently near, and to a messenger in a boat when they are not. He says that he directed the other ships to follow for the purpose of closing. If the purpose of following be not revealed, he would be obliged to make two signals, one *to follow*, the other for *close action*. If the purpose were revealed, the signal would be simply the signal for close action. It is not to be supposed that Commodore Perry, who doubtless wished to be sufficiently aided by the other ships, and who was bound by duty to make the most efficient arrangements, would give orders and leave the

persons ordered to *guess* his object. Neither is it to be supposed that he would commit the awkward mistake of making *two* signals when *one* would be sufficient. It is then to be presumed that he gave distinct and intelligible orders, and therefore that in *directing the other ships to follow*, he simply made the signal for *close action*. He afterwards says that at half past 2, Captain Elliott was enabled to bring his vessel into close action, which confirms the supposition here made about this signal; for as Captain Elliott was under the orders of the Commodore, how got he into close action at half past 2, without some previous order to that effect? Yet he says that at 45 minutes past 2, the signal was made for close action, which obviously implies that no such signal had been made before. Here is a downright self contradiction; and Commodore Perry must take the alternative, *either* of having given no such signal before 45 minutes past 2, and of leaving Captain Elliott to his own discretion, *or* of committing the awkward, unmilitary, unseamanlike mistake of giving a signal for close action when his ships were already in close action.

He says that Captain Elliott "*anticipated his wish by volunteering to bring the schooners, which had been kept astern by the lightness of the wind, into close action.*" What is the meaning of this expression? That Captain Elliott first proposed this movement? If so, and it were a decisive movement, then Captain Elliott, and not Commodore Perry, *gained this victory*. Such must be his meaning, the expression being susceptible of no other; for to anticipate a wish, is to undertake its gratification before the party wishing can communicate it. If Commodore Perry wished the gun boats to be brought up, how should Captain Elliott know such wish without hearing or seeing it expressed? It is not a wish of which one can have an intuitive knowledge; and if Captain El-

liott undertook to do this before Commodore Perry could express his wish for it, though the proposition might be in the mind of Commodore Perry, it is still original with Captain Elliott. This is an important admission; for it shows that this *cowardly* Captain Elliott had still self possession enough to think of a movement, which, in the existing doubtful state of affairs, was of the utmost consequence. Why did not Commodore Perry think of this? The Lawrence being disabled, and the gun boats too distant to render efficient aid, the necessity of bringing them up was certainly too obvious to be overlooked by a cool and clear headed commander, prompt and fertile in expedients. Commodore Perry ought to have said to Captain Elliott on boarding the Niagara, "Sir, my vessel is disabled, but the victory is not yet hopeless; we must now bring all our force to close action; go and bring up the small vessels, while I take charge of your battery." This would have shown the cool self possession and determination of an accomplished commander, preserving to the last his confidence in victory, and doing every thing to sustain the confidence of those under him. But his being anticipated by Captain Elliott shows either that he knew not what to do, and had come to no determination, or that he was so slow and hesitating in expressing his determination, as might lead those present to suspect his firmness. And is this a guise for a commander to appear in before his officers and men, in a moment of difficulty? Shall the eye to which all present appeal for confidence when clouds are gathering, feeling cheered or depressed according to their interpretation of its glances, quail with doubt or apprehension? If Commodore Perry did not indicate an important movement, and Captain Elliott did, it shows that the latter was the most efficient of the two in trying circumstances.

In complimenting the officers who had distinguished themselves, he speaks thus of Mr. Magrath: "Captain Elliott speaks in the highest terms of Mr. Magrath, purser, who had been dispatched in a boat on service previous to my getting on board the Niagara." As this officer belonged to the Niagara, and went upon this *service* before Commodore Perry boarded her, he must have acted under the orders of Captain Elliott. Any service which, at such a time, required an officer to be sent away in an open boat, must indeed have been extraordinary, and the occasion of it very pressing; and if such extraordinary service were well performed, justice to such officer would require it to be described, to enable the public to appreciate his merits. What then was this service? Why was it not particularly mentioned, instead of being glanced at in a manner so careless, or so mysterious? If the service were needless or frivolous, Captain Elliott did wrong in sending him upon it, and should have been censured. If it were important and well performed, it should have been particularly described, and due credit should have been given to Mr. Magrath. This matter implies something more than meets the eye. It shall be explained hereafter; and the public can then judge whether Captain Elliott, in this battle, evinced any want of activity.

Of Captain Elliott he holds the following language: "Of Captain Elliott, already so well known to the government, it would be almost superfluous to speak. In this action he evinced his characteristic bravery and judgment; and, since the close of the action, has given me the most able and essential assistance." This language is conclusive. It shows, *either* that the tale of his drawing an official report that would screen Captain Elliott from censure, is entirely destitute of foundation, *or* that, for the purpose of screen-

ing him, he deliberately coined an *unnecessary* falsehood. Had he believed that Captain Elliott misbehaved, and still wished to protect him, he might have mentioned him by some vague generalities that would not commit himself to a positive and definite misrepresentation. He might have said that Captain Elliott behaved well; or, what would be better for such purpose, he might merely have said a part only of what he did say. He might merely have said, "Of Captain Elliott, already so well known to the government, it would be almost superfluous to speak." Had he stopped here, no inference unfavorable to Captain Elliott could have been drawn from the report; for, though the remark expressed no direct praise, it was still open to a complimentary construction, and certainly implied no censure. Of all ways of escaping from an embarrassing difficulty, it would have been that which required the least deviation from truth, the least wear and tear of conscience. But he goes much further, and bestows direct and definite praise upon Captain Elliott for a *particular species* of good behavior. He commends him for his *judgment*, and speaks of this, not as something which Captain Elliott had evinced for the first time in that battle, but as something which the commander had heard of or witnessed before. He calls this judgment *characteristic!* and, by so doing, necessarily implies that he had particular reasons for being thankful to Captain Elliott for a particular quality which he had shown more than once. Now if he did not believe what he here necessarily implies, he uttered a wilful and *needless* misrepresentation. He also mentions Captain Elliott's *bravery*; and yet the charge which most or all of his witnesses are called to prove, is Captain Elliott's *cowardice!* Did he believe, when writing this report, that Captain Elliott was a coward? That all the officers of the fleet were apprised

of it themselves, and knew that he was apprised of it? In what light then was he exhibiting himself to his own officers? In that of wilfully deceiving the government and the country, and of suborning his officers to participate in the deceit, for the unlawful purpose of screening a guilty officer from just punishment! Is it possible that Commodore Perry would perpetrate such a deed! That he would dare to show himself in this light to men under his command! What future authority could he expect to exert over them, after thus putting himself in their power? Could he expect from them that *respectful* obedience which men of honor in subordinate military stations are gratified in paying to men of honor above them, but which they never pay to the unworthy and dishonorable? If he believed his officers to be honorable men, would he dare to insult them by such propositions? Though military discipline might restrain the finger of scorn from being pointed, it could not restrain the contemptuous glances that would be cast upon him by every officer of the fleet! No! he could not have been so base! The supposition is an outrage upon his memory; and nothing can save the memory of that departed hero from infamy, but the supposition that, in complimenting Captain Elliott, he believed what he wrote.

Such is Commodore Perry's official report. It is replete with contradictions and absurdities; and whoever believes in its accuracy of detail, must believe what is impossible.

CHAPTER V.

Battle of Lake Erie. Commodore Perry's letter to the Secretary of the Navy and his charges against Captain Elliott.

THE next documents furnished by Commodore Perry, are his letter to the Secretary of the Navy, and the charges enclosed.* At the close, they are dated "August 8, 1818." The first reflection that must occur to every reader is, why were charges preferred so long after the imputed offence? Why were five years suffered to elapse, before Commodore Perry thought fit to discharge a very important duty to his country? The battle of Lake Erie was an event of signal service to the nation; for by securing the command of the Lake, it enabled the army to secure the northern and northwestern frontier. Had this squadron been captured, it is not extravagant to suppose that the squadron upon Lake Ontario would have fallen in turn; for the British would have been able to transfer all their seamen and naval officers and guns, and every captured gun, to Lake Ontario, to have manned every thing that could float with a gun on board, and thus to have presented a naval force before which that of Commodore Chauncey must inevitably have fallen. Nor is this all. A naval victory on Lake Ontario would have been followed by the command of Lake Champlain. Our land forces would then have been driven back, and the whole northern frontier would have been defenceless. Then the enemy, with a powerful army at the

* See Appendix G.

North, a powerful fleet off the Southern coast, and encouraged by the factious proceedings of the political party then and now dominant in Massachusetts, might have been in possession of Albany, and even New York, on the one side, and Baltimore, and of course Washington, on the other. All this might have resulted from the loss of the fleet on Lake Erie ; and if Commodore Perry and his witnesses are to be believed, or if reliance is to be placed upon the accuracy of their statements, that fleet was all but lost through the misconduct of Captain Elliott. Was misconduct that might have led to results so disastrous, results that Commodore Perry could not have overlooked, to be sheltered from condign and exemplary punishment ? Was an officer whose cowardice or treason, or both, had nearly ruined his country, a proper object of praise in an official report ? Was every officer of the fleet who performed his duty, and who must have known that instead of victory, he had almost met defeat, to be insulted by praise thus undeservedly, thus falsely bestowed upon the guilty ? Was the country to be deceived into nursing in its bosom a serpent, at the hazard of losing its fleets and armies through future cowardice or treachery ? Was a coward or a traitor to be permitted to retain his sword, and to keep out better men from a place for which he had proved himself unworthy ? And yet if Commodore Perry is to be believed in his charges, a coward and a traitor was protected, a host of gallant officers and men were insulted, the constituted authorities of the country, and the country itself, were imposed upon by A FALSE REPORT ! Such must be the reflections of every considerate reader of these charges. And such were Commodore Perry's reflections when indicting them ; for by offering an explanation in his letter to the Secretary of the Navy, he confesses that he felt the necessity of accounting for the delay.

Well might he believe that a substantial reason would be required for his neglecting, for five long years, to bring to justice the miscreant who *had* almost, and regretted that he had not quite—sacrificed his country !

In explanation of this delay, Commodore Perry offers the following reasons ; 1st, He felt no disposition rigidly to examine into the conduct of any of the officers of the fleet ; 2d, He would not allow himself to believe that an officer who had conducted well on a former occasion, could be guilty of cowardice or treachery ; 3d, Captain Elliott endeavored, after the battle, to conciliate protection ; 4th, Commodore Perry desired that harmony might prevail in the fleet, and that nothing might transpire which might bring reproach upon any part of it, or convert into crimination the praises to which they were entitled, and which he wished them all to share ; 5th, If he omitted to name Captain Elliott, or named him without credit, he might not only ruin that officer, but give occasion to animadversions which, at that period, would be little to the honor or advantage of the service.

These reasons shall be separately and carefully examined. First, *He felt no disposition rigidly to examine the conduct of any of the officers of the fleet.* Of all kinds of government, military discipline is necessarily the most severe. In military operations, there must be a head, a controlling mind ; and prompt, implicit obedience, admitting no delay, no parley, no question, no expression of doubt or reluctance, is therefore indispensable. To insure this obedience, every subordinate must be held continually under the impression that his conduct is narrowly watched and faithfully recorded, and that for every movement, and every moment of time, he must render a full and exact account. The commander is

responsible for all under his authority, and to meet such responsibility, he must be implicitly obeyed. Hence, whenever any military service is performed, the commander is required to render a faithful account of it to his own superiors, to applaud those who behave well, as objects of future consideration and preferment, and to report those who behave ill, as obnoxious to censure or punishment. No fleet or army ever did or ever can long exist under any other organization.

On the subject of punishment, military government is, from necessity, unrelentingly strict. The consequences of a slight misdemeanor may be disastrous, ruinous, not merely to a fleet or an army, but to a nation; and to prevent such tremendous occurrences, the policy of all civilized nations has concurred in visiting the guilty with prompt and unsparing retribution. It is not to be supposed that Commodore Perry was ignorant of such usages, or expected to command the fleet on Lake Erie upon any other principles. It was therefore his duty, as he well knew, to inquire rigidly into the conduct of every officer of the fleet, and to report that conduct faithfully to his superiors. He was invested with this command, not for his own honor or interest, but for that of his country; and must have been sensible that he could not faithfully execute his high trust, or render a faithful account of his stewardship, by neglecting to investigate the conduct of those for whom he was responsible, or by rendering false accounts for the purpose of screening the guilty. To say then that he "felt no disposition rigidly to examine into the conduct of any of the officers of the fleet," is to say that he felt no disposition to perform his duty to his country.

His second reason is that he would not allow himself to believe that an officer who had conducted well

on a former occasion, could possibly be guilty of cowardice or treachery. Here again his duty was plain. He was bound to report facts, not opinions; and if the facts were clearly ascertained, the previous conduct of Captain Elliott could not affect them. Commodore Perry was bound to report to the Navy Department what *did* happen, and not what he supposed, upon his own views of Captain Elliott's character and previous conduct, *might have* happened. His own ship was lost, Captain Elliott did or did not behave improperly, and the loss did or did not occur through such misbehavior. If then he knew that Captain Elliott misbehaved, he must have known that any former gallantry could not lessen such misbehavior. The case of Captain Elliott in the battle of Lake Erie rested upon its own merits, and had no concern with the case of Lieutenant Elliott in capturing the Detroit and Caledonia twelve months previously. Instead of not permitting himself to believe that an officer who had conducted well upon a *former* occasion, could possibly be guilty of cowardice or treachery upon *another* occasion, he should not have permitted his opinions derived from the former to interfere with a faithful statement of the facts in the latter. The amount of this reason is that misconduct which might have been disastrous to the country must be concealed, and the country and its government imposed upon by an erroneous statement, because the guilty party had, upon a former occasion, twelve months before, conducted well. If such were Commodore Perry's views of public duty, it is fortunate for the country that they were not prevalent.

The third reason is that after the battle, Captain Elliott endeavored to conciliate protection. He certainly *needed* protection, if he conducted in a manner that nearly induced the loss of the fleet. But did

he *deserve* it? And was Commodore Perry seduced by such endeavors, to screen from just punishment the perpetrator of a crime so heinous? Admitting these endeavors to conciliate protection, which would prove that Captain Elliott thought more of his own safety than that of his country, does not the ready yielding to them by Commodore Perry prove that *he* was equally deficient in patriotism? According to Commodore Perry, these *endeavors* were lamentations over his unfortunate situation, and readiness to perform the minutest services!! And so because a captain of the navy who had been guilty of cowardice or treachery that might have ruined his country, and was desirous of avoiding a halter, was willing, in order to escape it, to utter unmanly whinings and do the duty of a corporal of marines, he was to be applauded as a brave and faithful officer, and the country to be imposed upon by an erroneous account of a battle!! Admirable logic!

The fourth reason is, he "desired that harmony might prevail in the fleet, and that nothing might transpire which might bring reproach upon any part of it, or convert into crimination the praises to which they were entitled, and which he wished them all to share." The most obvious objection against this reason is its inconsistency. Did he suppose that the most effectual mode of producing harmony in the fleet was to confound the innocent with the guilty? the brave with the cowardly? the hero with the craven? the patriot with the traitor? Did he suppose that meritorious officers, then writhing under wounds received in gallant efforts for their country, would be content to witness a coward or a traitor reported to their government as deserving particular applause for his bravery and judgment? Strange indeed must have been his views of military honor, to suppose that officers at all sensitive about it, would quietly

submit to this confounding of all distinctions! Strange indeed must have been his views of the human mind, to suppose that harmony would result from an expedient, of all others most fitted to drive men to desperation! He wished that nothing might transpire which might bring reproach upon any part of the fleet. And to prevent it, he resorts to the most effectual expedient for bringing reproach upon the whole fleet, and the whole Navy. He could not have supposed that the whispers of his own officers, and the open denunciations of the volunteers and seamen, aye! and of General Harrison's army, would be confined to the Northern frontier. He must have foreseen that they would fly from thence round the country, and become a subject of general and serious discussion. Then what could more effectually bring reproach upon the Navy, than the awarding of equal honors to the coward and the hero? the traitor and the patriot? What could more effectually rouse the public indignation, than an attempt, which could not be concealed, to screen the guilty from punishment by erroneous reports to the constituted authorities? What man of honor would accept a commission in the Navy, what man of honor would place a son or a relative in the Navy, if told that *such* was the mode of rewarding merit or punishing demerit? It is impossible to imagine how louder and deeper reproaches could be brought upon the Navy, than by reporting cowards and traitors as worthy of public applause! He desired that nothing might transpire which might convert into crimination the praises to which they were *all* entitled, and which he wished them *all* to share. By the term *all*, he does or does not include Captain Elliott. If the former, he believed Captain Elliott entitled to praises, and wished him to share in them. This is a singular title to be set up for a coward and a traitor; and Commodore

Perry must have entertained a singular wish for a brave and patriotic commander, when he wished that a coward and a traitor might be praised. Then either his own views and his own conduct were very singular, or he could not have believed in the guilt of Captain Elliott. If by this *all* he does not include Captain Elliott, but only the other officers, how could he suppose that bringing the former to justice could convert into crimination the praises due to the latter? Had Captain Elliott been shot for a coward or hanged for a traitor, his fate could not detract from, or convert into crimination, the praises due to the other officers. Expressed in plain terms, and applied directly and personally to any officer of the fleet, this argument stands thus; "You, Lieutenant Turner, behaved well, and your gallantry and judgment are well known to all the officers and men of the fleet and of General Harrison's army. Captain Elliott, as you well know, behaved like a coward and a traitor, or both; yet must his misconduct be concealed, and he must be honorably mentioned in the official report; for if he should be brought to punishment, his fate would convert into crimination the praises due to yourself, and you also would be deemed a coward and a traitor." If Lieutenant Turner, or any other officer of the fleet to whom this argument should be applied, did not deem it a *non sequitur*, he must be more astute in logical deduction than the generality of reasoners. Stated in the form of a mathematical proposition, it is thus; The cowardice of A and the bravery of B being given, what degree of praise bestowed upon A will prevent B from being called a coward?

The fifth reason is, if he omitted to name Captain Elliott, or named him without credit, he might not only ruin that officer, but give occasion to animadversions which, at that period, would be little to the honor or advantage of the service. In all civilized

nations, *ruin* has been viewed as the legitimate consequence of detected crime, and the certainty of such ruin has been deemed the strongest preventive. So decided is public policy in preventing crime, that all who attempt to screen the guilty are generally considered as participators in their guilt. Hence the compassion of Commodore Perry for Captain Elliott, leading to consequences injurious to the nation, was of a highly reprehensible character. Could Commodore Perry suppose that he was justified in concealing cowardice and treachery, because the ruin of the criminal would be the consequence of exposure? Upon this principle, the criminal code is a dead letter, and the whole machinery of tribunals entirely useless. Did the consequences stop here, there would be little cause for lamentation; for every philanthropist would rejoice in hearing that society had become good enough to dispense with criminal laws. But impunity to the guilty is fraught with destruction to the innocent. The sparing of the criminal because punishment would involve his ruin, would give a license to crime that would involve the ruin of society. This principle is particularly applicable to great military crimes, such as cowardice or treachery, because their consequences may be highly important. The thief or murderer does not, by stealing a single article of property, or destroying a single life, directly put the body politic in danger. It is only when such crimes are common, that the public safety is in jeopardy; and the certainty that impunity would render them common, is the only motive for their punishment in every case. But the soldier, by cowardice or treachery, may cause the loss of a battle, and this may be followed by the loss of a nation's independence. Hence the imperious, the obvious necessity of inflicting upon such criminals, punishments that may operate as the most powerful incentives to deter others

from following their example. It is impossible to suppose that Commodore Perry was ignorant of these principles, or held them in disrepute; and therefore difficult to believe that he could be seduced by compassion for a criminal, into a violation of his public duties. Strange is it then that he should, five years after an offence of great enormity was committed, plead as a reason for not having sooner brought the criminal to justice, the ruin that would follow his exposure. This reason proves too much for Commodore Perry; for admitting Captain Elliott to be guilty, it shows that Commodore Perry was guilty likewise as an *accessary after the fact*. But he says that "omitting to name Captain Elliott, or naming him without credit, would give occasion to animadversions which, at that period, would be little to the honor or advantage of the service." To have omitted his name, or to have named him without credit, would have led to an inquiry into his conduct, and to a dealing with him by the government according to his deserts. If found guilty, he would doubtless have been punished; and to what animadversions would this lead, excepting that the government were particularly scrupulous about the military morals of the navy, and resolved that no man should bear a sword in it, if found unworthy? Would the application of such principles be "little to the honor or advantage of the service?" Would honorable men be deterred from entering the navy by the belief that the government were resolved to close it against cowards and traitors? Would it suffer in the estimation of the nation or the world, or be inefficient as an arm of the national defence, by being officered by high and chivalrous spirits, instead of being a common sink of the low and the profligate, where cowards might flourish swords and traitors strut in epaulettes? Degraded indeed must be the state of

public opinion, where the punishment of a coward or a traitor could lead to animadversions injurious to the public service!

Having thus given the reasons which restrained him from complaining of Captain Elliott, at the time of the imputed offence, he proceeds to offer that which induced him to prefer the complaint five years afterwards. He says that Captain E. has given publicity to misrepresentations against himself, and "he would willingly, for his own sake as well as Captain Elliott's, (after the course he had pursued for the purpose of shielding the latter,) have still remained silent, but this Captain Elliott would not permit him to do." These remarks show that the proceedings complained of in Captain Elliott were then, that is, at the date of Commodore Perry's letter to the Secretary of the Navy, August 18, 1818, of *recent origin*. He was therefore induced to prefer this complaint five years after the battle of Lake Erie, by the behavior of Captain Elliott to himself five years after the same battle. Here again we find Commodore Perry, according to his own account, overlooking his public duties, and acting exclusively upon private considerations. He first screens a *coward* and a *traitor* from punishment, through compassion for the culprit; thus sacrificing public duty to the interest of an individual. He then attempts to bring this *coward* and *traitor* to justice for this old offence, because the culprit had just then assailed himself! How stern, how rigid, how superior to private ends, must have been his sense of public duty!

But having resolved, in 1818, to bring Captain Elliott to justice for a crime committed in 1813, because Captain Elliott had then, in 1818, assailed himself, he proceeds to state, as an additional reason for this determination, that soon after Captain Elliott was left in command of Lake Erie, which was in October

1813, he, Commodore Perry, was informed of the intrigues which he was there practising. He adds that he *then* determined, if Captain Elliott should give publicity to his misrepresentations, to demand an investigation of his whole conduct. The reader may be unable to perceive the consistency of these statements. He assigns the proceedings of Captain Elliott in 1818, as a reason for proceeding against him at that late period, and immediately afterwards, says that he was informed of similar proceedings in 1813. If the declarations of Captain Elliott against Commodore Perry in 1818, were a sufficient ground for complaining of Captain Elliott's conduct in the battle of Lake Erie, the intrigues of Captain Elliott against him in 1813 were surely a sufficient ground for a similar complaint at that earlier period. This inconsistency effectually annuls the five reasons which he assigns for withholding his complaints till five years after the battle, and leaves this delay *without an explanation*. But he says that on being informed of Captain Elliott's intrigues when in command of the lake, which was soon after Captain Elliott was left in that command, or in October, 1813, he resolved to complain of him to the government, if he should give publicity to his misrepresentations. If it shall appear from Commodore Perry's own showing, that he was informed, in 1813, of Captain Elliott's having given publicity to his *misrepresentations*, and yet forbore to complain against him, this letter to the Secretary of the Navy will be still more mysterious.

His first charge is that Captain Elliott, after having conducted improperly in the battle of Lake Erie, and after having received from Commodore Perry all the countenance and protection that could be afforded "without absolute inconsistency with truth," pursued a series of intrigues designed to repair his own repu-

tation at the expense and sacrifice of that of his commander. This charge embraces eleven specifications. The first, is that in November, 1813, Captain Elliott procured a certificate from Lieutenant Smith, which was intended to misrepresent the conduct of Commodore Perry in the battle, and to impeach his official report. The second is, that in January, 1814, in presence of Lieutenant Concklin, he uttered false imputations against his commanding officer. The third is, that in October and November, 1813, in conversation with Dr. Wallace of Erie, and others, he falsely charged Commodore Perry with having thrown his motto flag into the lake. The fourth is, that in September, 1813, he caused to be made and exhibited to some of the officers, a false drawing or sketch of the battle. The fifth is, that in October, 1813, in presence of General Harrison, he falsely charged Commodore Perry with having done him injustice in his official report, and with having violated a promise to him to alter such report. The sixth, that Captain Elliott, in November and December, 1813, and in May, 1814, did beset the inhabitants of Erie and Buffalo with false accounts of the battle, intended to reflect injuriously upon Commodore Perry. The tenth is, that Captain Elliott, in November, 1813, published in the Erie Gazette, a false version of a correspondence between himself and Commodore Perry. The second charge, which contains four specifications, is that of conduct unbecoming an officer, and manifesting disregard of the honor of the American flag. The first specification is, that in October, 1813, Captain Elliott intemperately abused Commodore Perry in presence of sailing master Champlin. The second, that in October, 1813, at Erie, in presence of Dr. Wallace, Captain Elliott said that it would be a serious question between the American and British Governments, whether Captain Perry was or was not to be consi-

dered a prisoner of war. The third, that in November, 1813, at Erie and at Buffalo, Captain Elliott said that the American flag had been disgraced on board of the *Lawrence*, and for the first time since the declaration of war. The fourth, that Captain Elliott, in October and November, 1813, at Buffalo, declared in presence of Dr. Wallace and others, that the American fleet had gained no honor in the battle of Lake Erie, and might have captured the British fleet in fifteen minutes. The four remaining charges, embracing seven specifications, are repetitions of those already described.

According to these specifications, the reader will probably say that Captain Elliott had not been very solicitous about concealing his *misrepresentations*. Captain Elliott was left in command of the Lake on the 26th of October, 1813. Commodore Perry heard of his *misrepresentations* soon after, and *then* declared to many of his friends in the Navy, that, although he should disregard these misrepresentations so long as they were private, yet, if Captain Elliott should ever give publicity to them, he, Commodore Perry, should demand an investigation of his whole conduct. It may be difficult to say what Commodore Perry intended by the term *publicity*; but if he intended to use it in its common acceptation, he must have been sensible that Captain Elliott had already given no small degree of *publicity* to his *misrepresentations*. Yet he demanded no investigation of Captain Elliott's *whole conduct* till five years afterwards. To threaten Captain Elliott with an investigation, should he ever do——what he had already done, and then to postpone the execution of this threat to five years afterwards, can hardly be considered a redemption of the pledge.

In the third specification of the first charge, after accusing Captain Elliott of having stated that he had

thrown his motto flag overboard, he says that this flag was still flying on board of the *Lawrence* when he left her, and was never lost or thrown overboard by any one. The history of this flag is as follows. On the morning of the battle, Commodore Perry hoisted on board of the *Lawrence* a flag, bearing the dying words of Captain Lawrence, "Don't give up the ship," which flag was shown to the men by the officers of the several ships, for the purpose of inspiring them with courage and patriotic feeling. It was particularly pointed out by Captain Elliott to his men, who hailed it with repeated cheers. It may well be supposed that after this display, Commodore Perry would be very unwilling to strike this flag, and would even prefer throwing it overboard. But if it was flying when Commodore Perry left the *Lawrence*, and not thrown overboard by any one, it must have been struck to the enemy, as every body knows that the *Lawrence* surrendered. According to Mr. Taylor, his Sailing Master in the *Lawrence*, he declared, on leaving that vessel, that "the American flag should not be hauled down from over his head on that day;" and according to himself, on quitting her, he left Lieutenant Yarnall to do "what would comport with the honor of the flag." An officer may avoid the striking of his flag in two ways; by sinking with it flying, or by abandoning it; and the latter was adopted by Commodore Perry, according to his own account. No one ought to censure him for leaving his disabled vessel. It was his duty to do so, to go on board of another, and to exert himself to retrieve the fortune of the day. But it seems hardly magnanimous to boast that his flag should not be struck over his own head, while in the very act of leaving it to be struck over the heads of others. If then he left this flag flying on board of the *Lawrence*, it was struck; and if it was not struck, he could not have left it flying on

board of the Lawrence. But according to Lieutenant Thomas Holdup Stevens, Commodore Perry left the Lawrence to go on board of the Niagara, *with this flag under his arm*. Here Commodore Perry and Lieutenant Holdup Stevens are directly at issue. The contradiction is direct, and the reader must decide between them. One thing, however, is certain. Purser Magrath, in returning from the "boat service" upon which he had been despatched by Captain Elliott, picked up this flag floating in the Lake, and carried it on board of the Niagara, where it was discovered by Commodore Perry after the battle.

In his letter to the Secretary of the Navy, Commodore Perry, in endeavoring to *explain away* his official report, says that he would not allow himself to come to a decided opinion that an officer could be guilty of cowardice or treachery, who had so handsomely conducted himself on a former occasion, *as he then, in common with the public, had been led to suppose Captain Elliott had*. This is the most extraordinary declaration to be found in any of the documents furnished by Commodore Perry, and by showing the depth of his prejudices, the intensity of his animosity against Captain Elliott, it shows how greatly his judgment was led astray, and is consequently a strong argument against the truth of his charges. The capture of the Detroit and Caledonia by Lieutenant Elliott in October, 1812, was well known to the whole nation, and an affair that would naturally excite much attention among the officers of the army and navy; for besides evincing great address, uncommon activity and daring courage, it occurred at a time when difficulties on our frontier were numerous and increasing, it being shortly after General Hull's surrender of Detroit, and when any success, however small, was a subject of general rejoicing. Besides, the proceedings of Congress upon

this very affair, show that it was appreciated as a gallant exploit by the General Government. At this time, the Hon. Josiah Quincy, the representative in Congress from Boston, the same gentleman who afterwards introduced into the Senate of Massachusetts a resolution, stating that it was *unbecoming a moral and religious people to rejoice in the victories of this wicked war*, for the purpose of rendering the war unpopular, and as an argument against the Army Bill then pending, gave a highly wrought description of the disasters of the American arms upon the Northern frontier. The Hon. Henry Clay, then Speaker of the House, in reply to Mr. Quincy and others, and in support of the Army Bill, made the following remark:

“The capture of the Caledonia, and the destruction of the Detroit, (whether placed to our maritime or land account,) for judgment, skill and courage on the part of Lieut. Elliott, has never been surpassed.”

Subsequently, Congress voted him a gold-hilted sword, twelve thousand dollars, and their thanks; and the President and Senate promoted him over a number of lieutenants to the post of master commandant. It is not to be supposed that the two branches of the National Legislature would, upon *doubtful* testimony, adopt a measure so decided as a vote of thanks and the gift of a sword to an officer, or grant him a large amount of public money. Nor is it to be supposed that the President and Senate would supersede meritorious officers by promoting another officer over them, unless he had done something extraordinary, and unless the exploit had been clearly proved.

Besides this evidence, Commodore Perry could not have cast his eyes upon a single ship of the fleet which he commanded, without seeing the proofs, the

solid, substantial proofs, of Captain Elliott's gallantry and skill in this very affair. The *Caledonia*, commanded by Mr. Turner, *was one of the captured ships*. The other, the *Detroit*, which was destroyed after being stripped, was loaded in part, at the time of her capture, with the heavy guns which General Hull had surrendered to the British at *Detroit*. She had, besides, many other guns on board; and from this cargo was the fleet partly supplied, in the battle of Lake Erie. The *Caledonia* had no guns on board when captured, and was furnished from the cargo of the *Detroit*, with every gun used by her in the battle. Thus did Captain Elliott, by his gallantry and skill, supply Commodore Perry's fleet not only with guns, but with *American* guns, *recaptured* by himself, after having been surrendered to the enemy by another commander!

All this evidence, together with Captain Elliott's official account of this affair, must have stared Commodore Perry in the face when he insinuated this doubt of Captain Elliott's behavior in it.

As a matter of interest to the reader, the following letters, of recent date, are offered. They are valuable additions to the letters concerning this exploit, which have been introduced at the beginning of these pages, and were written in reply to letters addressed to the authors by Captain Elliott, after the republication of Lieutenant Perry's pamphlet in Boston.

“ *New Castle, June 27, 1834.*

Dear Sir.—I have received your letter under date of the 19th of the present month, and regret to learn that you have been assailed by the republication of certain offensive charges. The several high commands, and important duties repeatedly assigned to you, are full evidence that the government and country place every confidence in your patriotism, talents and valor; and if I may take the liberty of

offering a suggestion, it would be that it best comports with your dignity and self-respect to rest your cause here. You particularly call my attention to the capture of two English vessels under the guns of Fort Erie in 1812, and say, "*as you were acting under my immediate command at the time, will you be kind enough to state to me, as soon as possible, the matters and things relating to that affair?*"

The length of time that has elapsed, and the entire change which has taken place in my habits and associations, render such reminiscences difficult. I recollect that the attack was made at night, by two boats, in one of which I was with you. The British vessels referred to were taken, one of them brought over to the American shore, and the other, grounding on an island in the river, was destroyed. It appears to me that the facts belonging to the affair speak for themselves. The planning and conducting of the enterprise unquestionably pertained to you, and by every rule of military service, the credit of it is your due.

Most respectfully, your ob't serv.

S. W. PRESSMAN."

This is the Mr. Pressman mentioned in the letter of Gen. Smyth to Lieut. Elliott, of Oct. 8, 1812.

"*Philadelphia, June 27, 1834.*

Capt. J. D. ELLIOTT, U. S. N.

Dear Sir,—I received your letter of the 19th inst. several days since, but have been too much indisposed to reply to it. In allusion to "*language used by the late Commodore Perry, in 1818, relative to your conduct in the capture of the British brigs Detroit and Caledonia, from under the guns of Fort Erie in 1812,*" you ask for my impressions of that affair. I never heard that any one but yourself suggested or directed the expedition. It was undoubtedly executed with skill and bravery, or it could not have succeeded. As I was acting under your immediate command, and taking the helm from your cockswain, and laying your boat alongside the Detroit, boarding her side by side with you, and during the fight and subsequent cannonade with the British forts, I was constantly near you, I am authorized to, and cheerfully testify, sir, to your bravery on the occasion.

If we had been defeated, the odium would have attached to you alone. We were successful, and you received all the credit, and I regret that any political occurrence of the pre-

sent day should tend to disparage your exertions in the late war.

With much respect and esteem,
I remain, sir, your ob't. servant,
T. ROACH,
late Major U. S. Artillery.

No reasonable doubt can therefore exist in the mind of any person, about the merit of Captain Elliott in this affair, and it is inconceivable how Commodore Perry could have doubted it in 1818, unless laboring under a species of *monomania*, a degree of animosity against Captain Elliott, which amounted to insanity. If then he could be so blinded and misled about this affair as to express such an opinion in 1818, what reason is there for supposing that he would be more correct in any other case where Captain Elliott was concerned, and consequently what reliance can be placed upon his accusatory documents?

CHAPTER VI.

Battle of Lake Erie. Correspondence between Commodore Perry and Captain Elliott.

THE documents next to be noticed are the letter from Captain Elliott to Commodore Perry, dated May 14, 1818, the "communications" upon which it was founded, and the reply of Commodore Perry, dated June 18, 1818. In this letter of May 14, 1818, Captain Elliott refers to a complimentary letter from Commodore Perry to himself, written eight days after the battle of Lake Erie. The following documents are the note on which this complimentary letter was predicated, the complimentary letter itself, the two letters of May 14 and June 18, 1818, and the communications enclosed in the first of them.

*" U. S. Brig Niagara, Put-in-Bay,
September 17, 1813.*

Sir,—I am informed a report has been circulated by some malicious persons, prejudicial to my vessel when engaged with the enemy's fleet. I will thank you if you will, with candor, state to me the conduct of myself, officers and crew.

Respectfully your ob't servant,
JESSE D. ELLIOTT.

Capt. PERRY."

*" U. S. Schooner Ariel, Put-in-Bay,
September 18, 1813.*

My dear sir,—I received your note last evening, after I had turned in, or should have answered it immediately. I am indignant that any report should be circulated prejudicial to your character as respects the action of the 10th inst. It affords me

just pleasure that I have it in my power to assure you, that the conduct of yourself, officers and crew, was such as to merit my warmest approbation; and I consider the circumstance of your volunteering to bring the small vessels to close action, as contributing *largely* to our victory. I shall ever believe it a premeditated plan to destroy our commanding vessel. I have no doubt, had not the Queen Charlotte have ran away from the Niagara, from the superior order I observed her in, you would have taken her in twenty minutes.

With sentiments of esteem, I am, dear sir,

Your friend and ob't servant,

Capt. ELLIOTT."

O. H. PERRY.

CAPTAIN ELLIOTT TO COMMODORE PERRY.

Norfolk, May 14, 1818.

Sir,—Communications which have recently been made me, and exact copies of which I herewith enclose, render it necessary that I should hear from you immediately. As soon as I heard of your late visit to Washington, I lost not a moment in hurrying off from this place with a hope that we should meet and settle those differences which have so long existed.

Your sudden, and to me unexpected, departure from that city, prevented the contemplated meeting; and my orders to sit on a Court Martial in Baltimore, which detained me from this place longer than I at first expected, has induced me to return to Virginia, and instead of the personal interview which had alone carried me from home, and which I so anxiously hoped would take place, now compels me to address you through the medium of a letter. I could most sincerely wish that my wounded feelings did not compel me to address you, at a moment when it might seem as if prompted by the late investigation of your Mediterranean command. The wrongs which I have suffered are many, and after taking a retrospect of all the transactions connected with our affairs which have been made public, I am at a loss to know how it was possible you could have made such representations, as contained in the certificate herewith enclosed.

Immediately after the action on Lake Erie, you must recollect that reports prejudicial to my character were put in circulation, when I called on you for a written contradiction of them: "your answer I presume is in your possession." You say in your letter you have no fault to find of *myself*,

officers and crew; compliment me by saying you are indebted in a great measure for the victory, to 'my bringing the small vessels into close action,' and conclude with a positive assurance, that the *Niagara* would, 'from her superior order, have taken the *Queen Charlotte* in twenty minutes, had she not made sail and engaged the *Lawrence*.' What, Sir, has occurred since, to draw from you such *base, false, and malicious reports*, as are contained in the certificate enclosed? I will conclude my remarks with one or two observations, and permit you to draw such inferences as your feelings of honor may dictate, hoping that you will never again have occasion, either in the society of the *Ladies*, or that of young navy officers, to make use of expressions of a similar nature, and which were intended for my injury.—Pray, Sir, has your memory been so treacherous, as to fail recollecting our interview at *Erie*, and that you then said if 'I would not dwell on the action, that you would write a private letter to the Honorable Secretary of the Navy, and express your surprise that the country did not give me half the honors of the victory.'

With proper respect,

(Signed)

J. D. ELLIOTT.

O. H. PERRY, Esq.,

New-Port, (Rhode Island.)"

COMMODORE PERRY TO CAPTAIN ELLIOTT.

Newport, June 19th, 1818.

Sir,—The letter which I have lately received from you has evidently been written for the purpose of being exhibited by you to your friends; and in the hope that passing without reply, it might gain credit among those upon whom you have been so long in the habit of practising similar impositions. You had much reason, Sir, to indulge in such a hope. It is humiliating to be under the necessity of replying to a letter written by a person who so little knows what becomes a gentleman. I must not, however, permit you to derive from my silence any countenance to the gross falsehoods contained in your letter; and which it would be an affectation of decorum to call by any other name, such particularly as the absurd declaration you impute to me in the close of it, and the perverted account you gave of the manner in which I was once induced to write a letter in your favor. How imprudent as well as base is it in you, by such misrepresentations, to reduce me to the necessity of

reminding you of the abject condition in which I had previously found you, and by which I was moved to afford you all the countenance in my power; sick, or affecting to be sick in bed in consequence of distress of mind, declaring that you had missed the fairest opportunity of distinguishing yourself that ever man had, and lamenting so piteously the loss of your reputation, that I was prompted to make almost any effort to relieve you from the shame which seemed to overwhelm you. This, as far as you were concerned, you very well know was the origin of the certificate I then granted you; and that your letter to me, (of which you have published a false copy, and which you now represent as making a demand upon me,) was merely an introduction to it. A stronger motive I had, which you could not appreciate, but which I urged with success upon the other officers. It resulted from a strong, and I then hoped a pardonable, desire that the public eye might only rest upon the gallant conduct of the fleet, and should not be attracted to its blemishes, as I feared it would be by the irritation excited by your conduct among the officers and men, most of whom, I hoped, had acquired sufficient honor to satisfy their ambition—even should that honor be shared by one who might less deserve it.

The expressions stated in your two certificates to have been made use of by me, when speaking of your unmanly conduct, were probably the most lenient I have for a long time employed when called upon to express my opinion of you; and thoroughly known as you must be conscious your character is to me, it was quite needless for you to procure certificates of the contempt of which I had spoken of you. You might readily have furnished much more ample ones, and of a much earlier date, than those it has suited you to produce; for you allowed but little time to elapse, after receiving the benefit of my letter, before, by your falsehood and intrigues against me, you made me fully sensible of the error I had committed in endeavoring to prop so unprincipled a character.

If it be really true that you hurried to Washington, for the purpose of inviting me to a meeting, it is indeed unfortunate, that intentions you give yourself so great credit for, have evaporated in a pitiful letter, which none but a base and vulgar mind could dictate. The reputation you have lost is not to be recovered by such artifices; it was tarnished by your own behavior on Lake Erie, and has constantly been rendered more desperate by your subsequent folly and

habitual falsehood. You cannot wonder at the loss. That reputation which has neither honor, nor truth, nor courage for its basis, must ever be of short duration. Mean and despicable as you have proved yourself to be, I shall never cease to criminate myself for having deviated from the path of strict propriety, for the sake of screening you from public contempt and indignation. For this offence to the community, I will atone in due time, by a full disclosure of your disgraceful conduct. But that you, of all men, should insultingly charge me with an error committed in your favor, and by which you were, (as far as a man in your situation could be,) saved from disgrace, is a degree of turpitude of which I had before no conception.

I am, sir, your humble servant,

O. H. PERRY.

Capt. JESSE D. ELLIOTT,
U. S. Navy, Norfolk."

The communications alluded to in Captain Elliott's letter to Commodore Perry, are the following ;

" Norfolk, Feb. 2, 1818.

SIR,—In conversation with some officers of the U. S. ship Washington, your name was mentioned, in connexion with the action on Lake Erie, when Lieutenant W. B. Shubrick observed that Commodore Perry had publicly said that your reputation was in his hands, and that the least you and your friends can say on the subject of that action, the better for you. I at the same time said I was your friend, and as soon as an opportunity presented, would make known to you the assertion which is now communicated.

W. H. BRECKENRIDGE.

Capt. JESSE D. ELLIOT.

I certify that the above is a true copy of the original, which I have seen in the possession of Captain Elliott.

GEORGE T. KENNON.

Hospital Surgeon, Gosport.

May 1, 1818."

" Washington, Feb. 27, 1818.

SIR,—You having called on me for some assertions made by Captain Perry, I can only state that sometime in the year

1813, I saw Commodore Perry in New-York, and mentioned I had received a letter from Captain Elliott respecting the engagement on Lake Erie. Commodore Perry replied that Captain Elliott had better be quiet on that subject; that he had understood other letters had been written by him to his friends. The above conversation between Commodore Perry and myself has never been directly or indirectly mentioned by me to Captain Elliott, until called upon by him here.

JOHN HALL.

"I certify that the above is a true copy of the original, which I have seen in the hands of Captain Elliott.

G. T. KENNON,
Hospital Surgeon, Gosport."

To these documents may be added another, which had reached Captain Elliott five years before, and which is the following.

"To the Post Master, Erie Station, New-York, for Captain Elliott.

[Captain Elliott's particular station not being known at this time, you are requested to forward the enclosed to him in such manner as it will be sure to reach him, and you will oblige his friend,

M. G. R. RUSSELL.]

It is with the deepest regret that the friends of merit observe how much you have been overlooked in the late engagement on Lake Erie. You are bound in justice to yourself, to lay before your country and the world, your own share of the glory of that day. You may rest assured that Perry is endeavoring to rob you of *all*. I have a correspondent who resides in Newport, and who heard Perry say, in a private circle, when he was representing the action, that when he went on board of the Niagara, he found you pale and trembling like an aspen leaf, and all your officers, and that it was with difficulty he could get you to obey his commands. Although I have not the honor of your acquaintance, I feel bound, by my attachment to worth and gallantry, to give you information, trusting to your honor as a gentleman and an officer not to betray me; for my friends would highly condemn a step of the kind, and Perry too, knows

my hand writing. But I feel confident you will confine this information to your own breast ; it is only for your benefit that I give it.

It would afford me much pleasure to know that you have received this in safety. If you wish to acknowledge the receipt, direct to Miss Mary G. R. Russell, Petersburg, Virginia."

Here some explanations are necessary. The reader may possibly ask why Captain Elliott, apprised soon after the battle, of Commodore Perry's censures, should not notice them till 1818. But the communication itself contains a satisfactory reply. It was written to Captain Elliott anonymously, under an injunction of secrecy, and with full reliance upon his honor in keeping the secret. The obvious intent of it was to put Captain Elliott upon his guard against secret machinations, and to convince him Commodore Perry was his enemy. Under these circumstances, his only course was to arm himself with evidence of his good behavior in the battle, and to rely upon that evidence to sustain himself in the good opinion of his country. He had previously written to Commodore Perry, in whose friendship he then confided, for a refutation of the calumnies which had been circulated by others, and received in reply the letter of September 18, 1813, a letter which shows that Commodore Perry, at that period, entertained no hostility against him. Being afterwards informed by this letter from Petersburg, that Commodore Perry had become hostile, and restrained by the injunctions of the letter from a direct address to his adversary, he did what every discreet and honorable man would do, waited till he could address the Commodore with some specific and responsible authority. This did not occur till 1818. The statements of Messrs. Breckenridge and Hall are manifestly in reply to communications from Captain Elliott. Though that

of Mr. Breckenridge does not give the date of his conversation with the officers of the Washington, it shows that the report of such conversation did not reach the ears of Captain Elliott till the winter of 1818. The statement of Mr. Hall refers to a conversation with Commodore Perry in 1813; but it shows that he had never disclosed this conversation to Captain Elliott, till questioned by him concerning it in February, 1818. Captain Elliott had been apprised in the winter of 1818, that such conversations had been held. He immediately applied to these gentlemen for the particulars, and obtained the foregoing statements. He was now armed with evidence of specific charges, and from responsible witnesses, and with this evidence, he lost no time in approaching Commodore Perry, as appears from the letter of May 14, 1818.

To Commodore Perry's complimentary letter of September 18, 1813, Captain Elliott, in his letter of May 14, 1818, refers in the following words :

"You say in your letter, you have no fault to find with myself, officers and crew; compliment me by saying you are indebted in a great measure for the victory, to my bringing the small vessels into close action, and conclude with a positive assurance that the Niagara would, from her superior order, have taken the Queen Charlotte in 20 minutes, had she not made sail and engaged the Lawrence."

To this reference, Commodore Perry, in his letter of June 18, 1818, replies in the following words ;

"How imprudent as well as base is it in you, by such misrepresentations, to reduce me to the necessity of reminding you of the abject condition in which I had previously found you, and by which I was moved to afford you all the countenance in my power; sick (or pretending to be sick) in bed, in consequence of distress of mind, declaring that you had missed the fairest opportunity of distinguishing yourself that ever man had, and lamenting so piteously the loss of your reputation, that I was prompted to make almost any effort to

relieve you from the shame which seemed to overwhelm you. This, you very well know, was the origin of the certificate I then granted you."

Here Commodore Perry directly contradicts himself. He could not have written the letter of September 18, 1813, from a *compassionate* desire to soothe the feelings of an officer whom he knew to have misbehaved, and whom he was endeavoring to screen. Such supposition is contradicted and repelled by this letter at the very commencement. By Commodore Perry's own showing, Captain Elliott was *not* "sick in bed," indulging in pathetic and unmanly lamentations over his misconduct, and did not, with the conscious abasement of a criminal, implore Commodore Perry to shield him from merited punishment and disgrace. Neither, by his own showing, was he wrought upon by the abject supplications of a repentant poltroon, to strain a point in his favor. The letter of Captain Elliott to which that of Commodore Perry was a reply, was the production of an officer conscious of his integrity, knowing that he had been impeached, and in manly terms, calling upon his commander for a written contradiction of the impeachment; for a *deserved* and *expected* justification. Commodore Perry's reply to it was an outpouring of *indignation* at a proceeding so groundless and base, as a charge of misconduct against such a man as Captain Elliott. If Commodore Perry believed him guilty, and was moved by his abject condition to do every thing, for the purpose of screening him, "not absolutely inconsistent with truth," would he have written in terms so frank, so cordial, so "*indignant*," so completely exculpatory, so thoroughly complimentary? No! He would have written a cold, formal certificate, plainly implying that he could not say *more*, and was straining a point to say *so much*. To suppose otherwise, to suppose that Commodore Perry,

in writing that letter, was laboring to save from disgrace an officer whom he believed to deserve it, is to suppose that compassion triumphed over honesty, veracity, public duty; to suppose a libel upon his memory! He *could not*, he *did not* THEN believe that Captain Elliott was guilty! And yet Commodore Perry, in his letter of June 18, 1818, insinuates that his certificate or letter of September 18, 1813, was a *hasty* production, wrung from him by the sight of Captain Elliott's abject condition! But here is another contradiction; for this very letter shows that Commodore Perry wrote it deliberately, took time to consider, and slept one night upon the letter to which it is a reply. A man may be very deliberate in his indignation, when in earnest, but cannot, "without absolute inconsistency with truth," express indignation which he does not feel; and the more deliberate the affectation, the greater, the more inexcusable is the violation of truth. If Commodore Perry believed Captain Elliott to be falsely accused, he might be the more indignant, the longer he pondered upon the false accusation. But to suppose that he believed Captain Elliott guilty, wished to plaster his shattered reputation, and coolly, deliberately, cautiously framed for the purpose a set, formal expression of *indignation*, is to suppose that Commodore Perry did what he is believed to have been incapable of doing.

But admitting that Commodore Perry believed him guilty of cowardice or treachery, and in order to save him from the just consequences, *affected* to be indignant at the charge, could he have afterwards intrusted him with important commands without violating his public duty? Yet that Commodore Perry did so intrust him, appears from the following letter.

" U. S. Schooner *Ariel*, *Detroit Harbor*,
30th Sept. 1813.

SIR,—You will proceed with the *Niagara*, accompanied

by the Scorpion and Tigress, to Lake St. Clair, and endeavor to intercept the enemy's vessels that have probably gone to the River Thames. I shall follow with an additional force. Great caution must be observed when you arrive at the mouth of the Thames, as the enemy is well provided with artillery. I rely entirely on your discretion and judgment.

Respectfully, your ob't serv't,

O. H. PERRY.

He relies entirely upon Captain Elliott's *discretion* and *judgment*, at the same time saying that such qualities would be necessary, as *great caution must be observed!* This is extraordinary language to be addressed to an officer whom he believed to be guilty of cowardice or treachery, and whom he was endeavoring to screen from punishment!

Soon after this service was performed, Commodore Perry again thought fit to intrust him with an important command, as appears from the following letter.

"*Put-in-Bay, 19th Oct. 1813.*

SIR,—I wish you to take command of the squadron, and proceed with them off Erie, where you will either see me or receive my instructions. The Somers must take on board as many of the Pennsylvania militia and Petersburg volunteers as she can possibly carry, and proceed to Cleaveland, where they are to be landed. She will then take on board a load of provisions for this place, a part of which will be landed here, the remainder at Detroit. She will take on board General Cass's brigade remaining at this place, and proceed with them to Detroit; at the same time you can give her such further instructions as you think proper. The Porcupine, on her return from Portage, will go to the Middle Sister Island and take on board the baggage belonging to the army, return to this place, and take as many of General M'Arthur's brigade as she can carry, and repair to Erie with them for orders. The Tigress, on her return from Portage, must take the wounded prisoners to Erie. The Scorpion must land the militia and volunteers at Cleaveland, take on

board a load of provisions for the army, and follow the squadron down the lake.

I am, Sir, very respectfully,
Your ob't serv't,

O. H. PERRY.

Capt. ELLIOTT,
Commanding U. S. Brig Niagara."

Nor is this all that shows the opinion *then* entertained by Commodore Perry of this *coward* and traitor. Soon after the battle, Commodore Perry solicited and obtained leave to retire from the command of Lake Erie; and the army being then engaged in important operations, and requiring all the aid of the fleet, *he left Captain Elliott in command of this fleet!* Let the reader peruse the following letter.

"*Buffalo, 26th Oct. 1813.*

SIR,—The Honorable Secretary of the Navy having granted me permission to leave the lake service, the command of course devolves on you, which I now resign to you. I enclose you attested copies of Commodore Chauncey's letters to me, which are so full, and having communicated with you fully before I left Erie, that it will be unnecessary for me to say any thing more as to the distribution of the squadron; I beg you will comply with Commodore Chauncey's directions respecting the muster rolls. Those of the Lawrence and Flotilla were signed before I left Erie.

Every assistance in your power must be rendered to the army. The Ariel is directed to remain here, and assist the Chippewa and Little Belt, that have unfortunately grounded. I enclose you an extract of a letter from the Honorable the Secretary of the Navy, for your government.

Very respectfully, I am, Sir,
Yours, &c.

O. H. PERRY.

Capt. JESSE D. ELLIOTT,
U. States Navy."

It is needless to say that Captain Elliott being second in command, the command *of course* devolved

on him, in the absence of the chief. Commodore Perry was not obliged, *of course*, to afford him an opportunity of doing more mischief. To suppose that he had *so much compassion*, is to suppose that he had very little patriotism and still less fidelity.

As Commodore Perry, in leaving the lake, after visiting Newport, proceeded to Washington, he might have arranged with the Secretary of the Navy for saving the fleet and the army from the danger of having the former in charge of a coward or a traitor, without subjecting this coward or traitor to public disgrace. Captain Elliott could have been transferred to some other station, to act under the immediate orders of some officer that could be trusted; he could have been sent back to Lake Ontario, under the immediate command of Commodore Chauncey; and instead of complaining, would have secretly rejoiced in any mode of salvation. He could have gone back to Lake Ontario without exciting any unfavorable suspicion; for on being sent for by Commodore Perry, before the battle, who was very anxious to obtain his aid, he consented to go upon condition of returning to Lake Ontario immediately after the defeat of the enemy, should such event occur. After the battle, he wrote to the Secretary of the Navy for permission to rejoin the fleet on Lake Ontario, for *there* a great battle was expected, the number of seamen in the American fleet being nearly five thousand. The Secretary of the Navy, instead of eagerly improving this opportunity to get rid of him upon Lake Erie, demurs to his request in the following terms.

“*Navy Department, Oct. 14, 1813.*”

SIR,—I have received your letter of the 11th inst.; Captain Perry having asked and obtained leave to retire from the command on Lake Erie, as soon as the immediate service in which he is engaged will admit; I cannot at this moment decide upon your request; but as soon as the service and

the arrangements of that command shall permit, I am much disposed to gratify your wish.

I am, respectfully,

Your obedient servant,
W. JONES.

Capt JESSE D. ELLIOTT,
U. S. Ship Niagara, Sandusky."

Had Commodore Perry *then* made any secret complaint to the Secretary of the Navy, and stated Captain Elliott's case as he afterwards stated it in this letter of June 18, 1818, he would have been attentively heard, implicitly believed, and the subject would have been promptly acted upon ; for he was then in high favor with the government, had exhibited no prejudices, no animosities against Captain Elliott, and his representations would have been ascribed to solicitude for the public service, and not to personal pique. Nor would such confidential representation have been unusual ; for as he, in common with every officer of the navy, then well knew, a standing rule of the Navy Department requires all commanding officers to communicate confidentially to the head of the Department, any information which they may deem important, concerning all under their respective commands ; which confidential communications are never divulged. The object of this rule is to preserve the discipline and efficiency of the navy. But Captain Elliott *was not* removed from this important command ; which proves, either that Commodore Perry made no complaint, or that his complaint was not heeded. If then he made no complaint, and yet believed Captain Elliott guilty, he voluntarily left the fleet in command of one who could not be trusted. If he made any complaint, it was disregarded at a time when he had yet given no reason to doubt his representations. Here then is a glaring inconsistency between Commodore Perry's letters of September 18,

1813, and June 18, 1818 ; and the only mode of saving him from the imputation of deliberate mis-representation in the one or the other, an imputation to which it seems impossible to believe him liable, is to consider the first as a frank, sincere, and *true* statement of the case, and the second as the outpouring of a mind diseased by personal enmity.

CHAPTER VII.

Battle of Lake Erie. Testimony in favor of Captain Elliott. Letters of officers of the Niagara. Proceedings in Congress. Medal. Sword. Proceedings on Northern frontier. Letters from officers of army and navy.

ALL the accusatory testimony against Captain Elliott is now before the reader. The exculpatory shall next be introduced, and submitted to an examination equally rigid ; and if the witnesses agree with themselves, with each other, and with probabilities, the reader will decide how far an officer is convicted of cowardice or treachery, who is accused by *contradictory* and defended by *consistent* testimony.

Of the exculpatory documents now to be introduced, the first in order of time is the following letter from the officers of the Niagara to Captain Elliott.

“ *U. S. Brig Niagara, Sept. 19. 1813.*

CAPTAIN ELLIOTT,

SIR,—We, the officers of the U. S. Brig Niagara, under your command, with the most profound respect, congratulate you on our late victory over the British squadron ; well convinced that in you we were ably commanded, and that your valor, intrepidity and skill could not be surpassed. You have, Sir, our most ardent wish for future prosperity and happiness, both in your official and private capacity, and may your future naval course ever be as brilliant as the present.

Receive, Sir, the assurance of our greatest respect,

J. E. SMITH, Lieut.

H. MAGRATH, Purser.

NELSON WEBSTER, Lieut.

J. J. EDWARDS, Lieut.

ROBERT B. BARTON, Surgeon.

H. B. BREVOORT, 2d U. S. Infantry.

It must be admitted that the officers of Captain Elliott's own ship had *some* opportunities of observing his conduct during the battle. It must also be admitted that they were equal to the officers of any other of the ships, in courage, skill, patriotism, military honor, and a desire to distinguish themselves in the service of their country, or to participate in the glory of achieving a victory in the *first* battle ever fought by an American *fleet*. If then Captain Elliott misbehaved, and by such misbehavior, deprived them of an opportunity for distinguishing themselves, they must have known it, and would have felt all the indignation that such conduct would naturally, necessarily excite, in brave and honorable minds. Under such circumstances, would they have written such a letter? Would they have been desirous of saving from public disgrace, a poltroon who had defrauded them of an opportunity for covering themselves with glory? Regard to their own reputation would have prompted to a different course; for if there were any thing mysterious in the management of the Niagara, if she were kept at a distance when she ought to have been in close action, it would be impossible for the public to decide upon whom the blame should fall, till the affair were explained. The public might say that all the officers of the ship were equally in fault, all cowardly or treacherous. Self-respect would therefore have urged them to speak out plainly, and Captain Elliott would have been convicted by a Court Martial, upon the testimony of his own officers. But even admitting that they were willing to sacrifice themselves for the purpose of saving a coward or a traitor, the utmost that could have been expected from them would have been a cold, formal certificate, "damning with faint praise." Instead of this, they addressed to Captain Elliott a letter which came warm from the heart; which breathed the highest admiration,

the most affectionate regard ; which showed that they both respected and loved their commander, and rejoiced in the opportunity of pouring out their feelings. If their object were merely to shield a coward or a traitor, this letter went far, very far, beyond the necessities of the case. Even were it possible for them to assume the appearance of respect, they could not that of affection ! That would be to trifle with, to trample upon the best feelings of our nature ; and from this, every heart not hardened must revolt !

The next exculpatory document is the following letter to the Secretary of the Navy, from the same officers who signed the last, excepting Dr. Barton.

Letter from the Officers on board the Niagara to the Secretary of the Navy.

*U. S. Sloop Niagara, 13th Oct. at Anchor
off Detroit, U. C.*

RESPECTED SIR,—We have with regret seen the condensed, and suffer us to add, the partial statements of the late *action* on Lake Erie, and induced by motives of the warmest admiration and greatest respect for our commander, Captain J. D. Elliott, we take the liberty of laying before you our combined observations on the above late action, and knowing as we do your power of discrimination and impartiality of judgment, we commit it to you with full confidence of its universal evidence and consideration.

On the 10th September, 1813, while lying in Put-in-Bay, the enemy's fleet was discovered from the Lawrence's mast head. At 5 A. M. signal 1205, our squadron weighed and commenced beating out of the bay, in company the Lawrence, Captain Perry, the Niagara, Captain Elliott, the Caledonia, Ariel, Scorpion, Somers, Porcupine, Tigress, and Trippe. At 6 A. M. discovered the sails in the Western board to be the enemy's squadron, consisting of two ships, two brigs, one schooner, one sloop of war, with their board tacks on board, standing to the southward, under easy sail, our squadron using all possible exertion to join them by beating out of the bay. Kept our wind on the larboard tack, in order to preserve gage, which was effected. Observed the enemies squadron to form in line of battle ahead, in the following order:—the Detroit leading the van ; brig Hunter,

Queen Charlotte, Lady Prevost, Chippeway and Little Belt. Our squadron forming in line of battle in the following order:—Schooner Ariel of four and Scorpion of two guns, on the Lawrence's weather bow, the Lawrence, Captain Perry, leading the van; the Caledonia, the Niagara, the Porcupine, the Somers, Tigress, and the Trippe. At a quarter before 12, the enemy's ship Detroit commenced firing on our headmost vessels, distance computed at one mile and a half. At meridian the action became general and closer, the whole of the enemy's fire being directed at the Lawrence, Caledonia, and Niagara. The Lawrence labored under a very great disadvantage at this time; observing her shot to fall short of the Detroit, who, having long guns, placed her shot in the Lawrence deliberately, and at discretion. This, in our opinion, is one reason why the Lawrence became so shattered. The Niagara's position was close astern of the Caledonia, which she maintained, and being a little abaft the weather beam of the Queen Charlotte, abreast of the Lady Prevost and rest of the enemy's squadron, the whole of whose fire she sustained. At this time the Queen Charlotte was discovered to bear up, and stand away from the Niagara's fire. Captain Elliott ordered the fore and aft mainsail to be hauled out and the jib sheet aft, in order to come up with her, she being the vessel we meant particularly to engage. The Queen Charlotte having gained the Detroit's lee, and the Lawrence gaining ahead, Captain Elliott ordered the Caledonia to bear up and leave us room to close with the Lawrence, which was done, and the action carried on with great vigor and spirit on both sides. The most of our fire was now directed against the Queen Charlotte, (she having regained the line,) Lady Prevost, and Little Belt. We now ranged ahead, receiving the combined fires of the Detroit, Queen Charlotte, and Lady Prevost. The Lawrence, some time previous to this, had dropped astern much shattered and useless. Captain Perry left her and came on board the Niagara; he observed to Captain Elliott that he apprehended the action was lost, who with the spirit and promptitude we have been accustomed to see him exert, replied, No, Sir, I will yet try and save the day; he accordingly repaired on board, and taking the direction of one of the small vessels, brought the whole of them into action at close musket shot; the consequence was that in ten minutes the Detroit and Queen Charlotte, with the Lady Prevost, struck to us, and soon after the whole of the enemy's squadron followed their example. The Lawrence had some minutes before

this struck her colors and hauled out of the line. You will perceive, Sir, by this account, that the Niagara was most usefully and energetically engaged during the action, and the gallant manner and the celerity with which the small vessels were brought into action, and the instant change effected by it, ranks Captain Elliott in our opinion as SECOND TO NONE in the attainment of the late action.

We are unwilling to quit the subject without expressing our estimation of our noble commander. We feel it a duty to him and ourselves to express our opinion of his conduct during the action, which was manifested by his cool, brave and judicious deportment, and are firmly of opinion, that his valor could not be surpassed by any; and that in him the American flag has a most zealous, skilful and heroic defender. We have here endeavored, Sir, to give you a succinct and minute account of the action from the commencement to the close, in doing this, we have been actuated by unprejudiced love and respect for Captain Elliott.

We have the honor to be, Sir,

Your obedient servants,

J. E. SMITH, Lieut.

H. MAGRATH, Purser,

J. J. EDWARDS, Lieut.

NELSON WEBSTER, A. M.

A. B. BREVOORT, Capt. 2d Reg. U. S. In.

Hon. WM. JONES,

Secretary of the Navy, Washington."

This is another specimen of that warm and generous feeling which characterized the last mentioned letter of these same officers, and like that, could only have been dictated by sincere respect for a brave, skilful and injured officer. The first specification of Commodore Perry's first charge insinuates that this was procured by the solicitation of Captain Elliott. But this insinuation is repelled by the very first sentence of this letter, which was manifestly dictated by indignation at the hasty and indefinite manner in which Captain Elliott's services had been mentioned in the official report. It gives a description of the battle which is perfectly consistent, clear and distinct, and which represents all the events detailed as oc-

cunning in regular succession, without any of that confusion and perplexity which characterises the official report. The closing paragraph is highly complimentary to Captain Elliott, and could never have proceeded from a desire to save the reputation of a coward and a traitor.

The next is a letter from Major Brevoort, the same who signed both of the letters last mentioned, to Major James S. Swearingen of the United States Army. This was written only nineteen days after the battle, when the principal events were yet fresh in the author's memory, and is accordingly important in showing the conversation that occurred between Captains Perry and Elliott, when the former boarded the Niagara during the battle, and when the latter returned to her afterwards.

“*Erie*, Nov. 1, 1813.

SIR.—To my astonishment and surprise, on my arrival at this place, I discovered some malicious persons had, with uncommon industry, circulated a report prejudicial to the character of our mutual friend, Captain Elliott. Now, Sir, I was on board the Niagara with Captain Elliott, in the character of a marine officer, and during the action, I do most solemnly declare his conduct to have been such as went to establish him in my confidence as a brave, correct and humane man; and it is with no small degree of satisfaction I do assure you that it was his vessel, his conduct and exertions, that at this moment crown our country with the victory it has obtained. I am sure you will join in opinion with me, that the above statement is but a faint sketch, when I give you the words of Captain Perry when he came on board. He observed that he believed the day was lost, as two thirds of his men were either killed or wounded, and his vessel could give no further assistance. “No!” said Elliott, “I can yet save it!” “I wish to God you would,” said Perry. “Take charge of my battery while I bring the gun boats in close action, and the day will yet be ours.” After the action was over and Captain Elliott came on board, Captain Perry ran and caught hold of his hand, saying, “I owe all this to your exertions; it has given us the day.” I also enclose you a paper, containing Captain Perry’s letter to

Captain Elliott, in which he gives him much credit for beating off the *Royal Charlotte*, &c.

Believe me to be, &c.

H. B. BREVOORT,
Capt. 2d Regt. U. S. In.

Maj. JAMES S. SWEARINGEN."

The next is a very important document, for it directly contradicts one of Commodore Perry's charges, and Mr. Brownell's affidavit. The reader will recollect that the tenth specification of Commodore Perry's first charge is, that Captain Elliott caused to be published in the *Erie Gazette* of December 1, 1813, a false version of the note which he addressed to Commodore Perry on the night of September 17, 1813, and caused to be published, at the same time, Commodore Perry's reply of September 18, 1813. The reader will also recollect that according to Mr. Brownell's affidavit, Mr. Magrath said that he would sacrifice his right arm, if he could withdraw his name from the letter which he addressed to the Secretary of the Navy, in company with the officers of the *Niagara*. The document now to be introduced is a letter from Mr. Magrath to the editor of the *Erie Sentinel*, inclosing for publication Captain Elliott's note and Commodore Perry's reply. Commodore Perry, in his charges, misnames it *Erie Gazette*.

"To the Editor of the *Erie Sentinel*.

Some persons, actuated by base and unworthy motives, have falsely and maliciously caused the public opinion to be unfavorably impressed with the conduct of Captain Elliott in the *Niagara*, on the 10th of September. I believe there are many who entertain the erroneous opinion that the *Niagara* rendered no assistance to the *Lawrence*. The subjoined notes of Captains Perry and Elliott, I hope, will remove these impressions. I can, from my own knowledge, declare Captain Elliott's conduct to have been such as merits the applause of his country. His brave and gallant conduct was signal to all on board the *Niagara*, and in my opinion, could

not have been surpassed. He remarked to me repeatedly in the action, that we were not as close alongside the enemy as he wished, that we left their long guns too much superiority, and that he was certain, if close alongside the Queen Charlotte, ten minutes would determine the contest in our favor. From a few minutes after the commencement of the action, the enemy being formed very close in a line ahead, their shot came over us in every direction, and repeatedly hulled us. Our position was preserved as I believe the line was intended to be formed during the action; the Caledonia being so close ahead of us, that we were obliged frequently to keep the main yard braced sharp aback, to keep from going foul of her. Finding the Queen Charlotte to make sail ahead from our fire, as we supposed, Captain Elliott hailed the Caledonia, and ordered her helm put up, which was done, and the Niagara passed ahead by filling the maintop-sail and setting the jib and fore and aft mainsails. The Niagara then closed in the wake of the Lawrence, and continued the action with the usual vigor until the Lawrence dropped astern, when it is well known that the Niagara almost instantly became abreast of the Detroit and Queen Charlotte, which could not have been the case had she been a long distance astern. I feel it my duty also to observe that the Lawrence, until near the close of the engagement, bore a great proportion of the fire of the Detroit and Queen Charlotte, and from the Detroit's long guns, which pierced through her, she suffered considerably more in every respect than the Niagara. Captain Elliott's volunteering to bring into close action all our small vessels, which was nobly and heroically executed, aided by the exertions of their commanders, produced the brilliant victory which warms with just pride the bosom of every American.

HUMPHREY MAGRATH."

Here follow the letters between Captains Elliott and Perry, dated September 17 and 18, 1813, precisely as they appear in the Naval Monument, and in the foregoing pages.

To show that these three letters were published in the Erie Sentinel precisely as they appear in these pages, the following certificate is offered.

"I certify the foregoing to be true copies as published in the Erie Northern Sentinel of November 1, 1813.

R. S. CURTIS,
Editor of the Sentinel.

Erie, August 31, 1818."

The next exculpatory document is the letter of Captain Elliott to the Secretary of the Navy, dated New-York, April 16, 1815.* The exculpatory matter in this letter is the statement of the writer, that, soon after the battle of Lake Erie, he applied to the Navy Department for an investigation, *which was not granted!!* Why was it refused? If Captain Elliott's misbehavior was so notorious to all the fleet and General Harrison's army, it is extraordinary, *either* that the Secretary should not have heard of it, *or*, having heard of it, should not deem it worthy of investigation. The first supposition is totally improbable, if not impossible. The rumor of such misbehavior would have reached him from innumerable sources; and to suppose otherwise, would be to suppose the Secretary less informed about what peculiarly concerned his own department, than almost any other man in the nation. The second supposition represents the Secretary as being informed of misconduct in a Captain of the Navy, that put three fleets and an army in imminent danger, and yet as too regardless of the public interest to order an investigation. This would be a reflection upon the competency or fidelity of the Hon. William Jones, to which no Secretary of the American Navy was ever liable. His refusal to order an investigation is *proof*, clear, convincing *proof*, that he was distinctly informed of all the principal facts of the battle, and convinced that Captain Elliott *had done his duty*. But it may be said that if Captain Elliott were not guilty,

* Appendix, B. 1.

an investigation was due, for the purpose of defending him against unfounded imputations; and therefore that an investigation was denied from the apprehension that, it would terminate unfavorably to his reputation. This supposition is also injurious to the Secretary, for it supposes him willing to shield cowardice or harbor treason. It moreover supposes the absurdity of the Secretary's entertaining apprehensions about the result of an investigation, upon which point Captain Elliott, the party immediately concerned, was perfectly fearless. The ground taken by the Secretary was, that the most thorough, the most dignified refutation of any charges against Captain Elliott, would be the refusal of the Government to notice them. This course left to him the approbation of the Government, necessarily implied from its silence concerning any imputations, and the active exertions of his own friends in the fleet, who were sufficiently numerous, and possessing sufficient credit with the public, to counteract the machinations of his enemies, of which he seemed to have a few.

But the Government, while refusing an investigation at Captain Elliott's request, were *not* disposed to dismiss the affair *silently*; for after his application to the Department, the Secretary made a report to Congress, doubtless with reference to these imputations, and for the purpose of inducing some legislative action upon the subject, that should for ever settle the question about Captain Elliott's behavior in the battle of Lake Erie. The following is a true copy of the Record, being an extract of a Report from the Secretary of the Navy to the Hon. William Lowndes, Chairman of the Naval Committee of the House of Representatives.

“*Navy Department, Dec. 27, 1813.*”

While the heroic commander of the American squadron justly merits the highest honors which the expressions of

the National Council can bestow, the second in command on that eventful day, appears to merit particular distinction for the important and decisive share he had in that glorious event; and it is grateful in the highest degree, that every officer and man on that trying occasion, discharged his duty to the nation with zeal, fidelity, and honor.

BENJAMIN HOMANS."

Copy of Record.

The response of the House of Representatives to his report was in the following words.

"RESOLVED—That the President of the United States be requested to cause gold medals to be struck, emblematical of the action between the two squadrons, and present them to Captain Perry and Captain Jesse D. Elliott, in such a manner as will be most honorable to them; and that the President be further requested to present a silver medal, with suitable emblems and devices, to each of the commissioned officers, either of the Navy or Army, serving on board, and a sword to each of the Midshipmen and Sailing Masters, who so nobly distinguished themselves on that memorable day."

These two documents imply something more than meets the eye. They contain internal evidence of being founded upon *something* which the Secretary and the Naval Committee had been apprised of, and were resolved to settle. They indicate that Captain Elliott had been assailed, and that the Government, knowing his deserts, were resolved to protect him. The mode of protection too is much more effectual for showing their sense of his merits, than a Court of Inquiry would have been; for by ordering a court, they would have implied that the question of his guilt or innocence was doubtful till investigated; but by *ordering a compliment*, they signified that his conduct did not admit of a question. This proceeding is decisive, for it is the highest compliment which

the House of Representatives could bestow. The report of the Secretary of the navy, after saying that Commodore Perry merited the *highest* honors which the House could bestow, says that Captain Elliott merited particular distinction for the DECISIVE share which he had in the glorious events of the day. If then the share of Captain Elliott was *decisive*, which means that he DECIDED the fortune of the day, his merit was *equal at least* to that of Commodore Perry; and so say the House of Representatives in their resolution. Why this particular designation of "the second in command," in both the report and the resolution, unless some insidious comparisons had been made between the *second* and the *first*? Unless some hints had reached Head Quarters of a mischievous design to build up the *first* by pulling down the *second*? This curious, this unexampled designation in these conclusive documents, cannot be easily explained upon any other hypothesis. It appears then from Captain Elliott's statement in his request for a Court of Inquiry in 1815, that he had made a similar request soon after the battle; and it also appears, from the journal of the House of Representatives, that the Secretary responded to this request by a complimentary Report to the House of Representatives, who responded to such report by a complimentary resolution!!

To show that the object of this legislative action was to defend the fame of Captain Elliott, and was thought a better expedient for such purpose than a Court of Inquiry, the following letter is offered to the reader, being from a member of Congress from Pennsylvania to one of his constituents.

" Washington, Jan. 4, 1814.

SIR,—Since my last to you, the report of the Secretary of the Navy on the subject of your communications to me, has

been laid upon our table. From it I extract the following paragraph.

(Here follows the report of the Secretary of the Navy "While the heroic commander," &c.)

The particular attention drawn to the conduct of Lieutenant Elliott by the Secretary of the Navy, in his report, and the equality of his claim to public gratitude in the resolution reported to the House from the Senate, and which, I have no doubt, will be confirmed by the House, must be, I think, entirely satisfactory to Lieutenant Elliott and his friends.

I am, Sir, your most ob't serv't.

WM. CRAWFORD.

SAMUEL DUNCAN Esq."

The medal voted to Captain Elliott by this resolution, affords no slight evidence of the high estimation in which he was then held at Head Quarters; for nothing can be more complimentary, more indicative of the energy and resolution which he has always displayed, than the legend upon the face of it. The following is a description of the medals granted to Captains Perry and Elliott.

To Captain Perry.

Face.—A bust of Captain Perry.

Legend.—OLIVERUS H. PERRY, PRINCEPS STAGNO ERIENSI, CLASSIM TOTAM CONTUDIT.

Reverse.—A fleet closely engaged.

Legend.—VIAM INVENIT VIRTUS AUT FACIT.

Exergue.—INTER CLASS. AMERI. ET BRIT. DIE X SEPT. MDCCCXIII.

To Captain Elliott.

Face.—A bust of Captain Elliott.

Legend.—JESSE D. ELLIOTT. NIL ACTUM REPUTANS SI QUID SUPERESSET AGENDUM.

Reverse.—A fleet engaged.

Legend.—VIAM INVENIT VIRTUS AUT FACIT.

Exergue.—INTER CLASS. AMERI. ET BRIT. DIE X SEPT. MDCCCXIII.

The only difference in the inscriptions upon the two medals is in the legends on the faces; that on Captain Perry's being OLIVER H. PERRY, COMMANDER ON LAKE ERIE, CAPTURED A WHOLE FLEET; that on Captain Elliott's being JESSE D. ELLIOTT, WHO THINKS NOTHING DONE WHILE ANY THING REMAINS TO BE DONE.

The next evidence is a series of letters and extracts of letters, showing the confidence reposed in Captain Elliott by the Secretary of the Navy, by Commodore Chauncey, and by the general officers of the army, and by Commodore Perry himself; and showing also that his command upon Lake Erie after the departure of Commodore Perry, was a post of great difficulty, danger and responsibility. After the battle of Lake Erie, he had more than once solicited the permission of the Secretary to join the great squadron upon Lake Ontario, a battle being expected there. He had also solicited permission to visit his family for a short time, then suffering from severe illness. Neither of these requests was granted, because—his talents and energy were necessary upon Lake Erie!

“Navy Department, Nov. 4, 1813.

SIR,—I have received your letter of 22d October. Captain Perry having solicited and obtained leave of absence, and the command of the Naval force on Lake Erie having devolved on you, and instructions having been forwarded to you by Commodore Chauncey, the commander-in-chief, who is held responsible for all the arrangements of the service on the lakes, I necessarily refer your request to the commodore, who will doubtless feel disposed, under the pressing nature of your domestic affairs, to grant your request, if the service will admit of your absence from the station, which, though inactive in winter, nevertheless requires the superintending care of an officer of rank and talents, to protect the public interest, inspect the accounts of previous expenditure, which are extensive and unsettled, to check and regulate the

current expenditure, direct the repairs and outfits preparatory to such measures as the ensuing campaign may designate.

I am respectfully,
Your ob't serv't,
W. JONES.

JESSE D. ELLIOTT, Esq.
Master Commandant U. S. Navy, Erie."

*" U. S. Ship General Pike, Sackett's Harbor,
Dec. 1, 1813.*

SIR,—(Here follow various directions for repairing and guarding the fleet, building a block house at Erie for defending it, &c. &c.)

Your request to visit your family, (which at first view might be considered a reasonable one) I regret that I cannot grant. To an officer of your merits and experience, a single glance at the situation of the fleet upon Erie, will convince you that the request ought not to have been made; and I am well persuaded that upon reflection, you will acquiesce in my decision with great cheerfulness. Your situation is a responsible one, and you must be aware that it is all important to the government, that the vessels upon Erie should not only be preserved, but prepared in every respect for any service that they may be required for in the spring; and who is so proper to attend to the various duties appertaining to the station as yourself? Your presence is absolutely necessary to curtail as much as possible the expenses of the station, to examine and approve all bills, and to regulate expenditures generally, and also to provide for the wants of the station, by making timely requisitions for stores, provisions, clothing, &c. &c. I do assure you that it would have afforded me infinite pleasure to have gratified you with a visit to your friends, if I could have done it without injury to the public service. As it is, you must submit, as I am obliged to do.

I have the honor to be,
Very respectfully, Sir,
Your most ob't serv't.
ISAAC CHAUNCEY.

Capt. JESSE D. ELLIOTT,
Commanding Naval Officer at Erie, Penn."

The following is a letter from Major General Mead, of the Pennsylvania militia.

"Meadville, Jan. 3d, 1814.

SIR,—I have ordered out the whole of this brigade, and one thousand men from the lower brigade, for the defence of Erie and the fleet. A long and severe indisposition, which has confined me to my room and bed, renders me unable to go to Erie at present.

I have no doubt you will give to General Kelso the benefit of your experience and skill, in erecting works for the defence of the town and place. I sent on your despatches to Pittsburgh.

I am, Sir, very respectfully,

Your ob't serv't,

DAVID MEAD.

Com. JESSE D. ELLIOTT,
Commanding at Erie."

The following is from General Kelso, a Brigadier General in General Mead's division.

"Head Quarters, 10th Jan. 1814.

SIR,—I estimate the aid that you can give me essential to the service in which we are both engaged. Will you be good enough to state to me whether in your opinion, a block house, (in octagon form,) erected in the centre of a fort at the old French garrison, with a battery on the north,—or a fort with a bastion at the opposite angles,—would be the best defence against the enemy.

I am, Sir, with the highest esteem and respect,

Your friend,

JOHN KELSO, Brig. Gen.

Capt. ELLIOTT,
Com. Erie fleet."

FROM GENERAL MEAD.

"Meadville, Jan. 11. 1814.

SIR,—I have received your letter of the 6th inst. and approve fully of your plan of defence, and presume that General Kelso has given orders to the men to commence the works.

Not knowing what kind of intercourse is kept up between

Erie and the lower end of the lake, I have employed an express to carry a letter to the commanding officer there. The letter is open that you may see it. If you deem it necessary that he should proceed, seal it. If not, send him back. I think we ought to use all the means in our power to be informed of what is going on below. I will exert myself, as far as in my power, to put the place in a posture of defence, and hope I will be able to go to Erie in a few days. We will then confer fully on the subject.

I am, with considerations of great respect,

Yours,

DAVID MEAD.

Maj. Gen. 16th Div. Pa. Mil.

Com. JESSE D. ELLIOTT."

The following from Commodore Chauncey, written from Washington, shows the entire confidence which he placed in Captain Elliott, under any circumstances, however difficult.

"Washington, 12th Jan. 1814.

SIR,—There is much anxiety created here for the safety of the fleet at Erie, but knowing your zeal and activity, I have ventured to assure the President and Secretary that there is no danger, and that every thing will be done that can be done. I should advise you, however, to keep the ice clear around the vessels for at least four feet, and if the block house is not finished, to use every exertion to complete it with all possible despatch.

You will give the officer at command in Put-in-Bay, orders that in case the enemy should attack him with a force that would be likely to succeed, he will burn the two prize ships in his charge, so as to prevent their falling into the hands of the enemy. Knowing the importance of the preservation of the fleet at Erie, I am persuaded that you will make every sacrifice before it is relinquished. I shall leave here in a day or two on my return to the harbor, from which place I will write you fully.

I have the honor to be,

With much respect,

Your ob't serv't,

I. CHAUNCEY.

Capt. ELLIOTT, Erie."

The following letter from Colonel Burn of the Dragoons, will show that notwithstanding the capture of the enemy's fleet, he had not lost all hope of maintaining himself upon Lake Erie.

"SIR,—I have the honor of stating to you, that, information has this day been received at this post, which can be depended upon, and which I am instructed by Major General Brown to communicate to you by express, 'that fifteen hundred regular troops, and five hundred sailors, have left Kingston, their destination supposed to be to endeavor to destroy our fleet on the Upper Lake.' Five hundred more troops are said to be on the route to Kingston from below.

I have the honor to be,

With great respect, Sir,

Your ob't serv't,

JAMES BURN,

Col. 2d Drag. commanding cantonment.

Capt. JESSE D. ELLIOTT,

Or Officer commanding the Navy, U. S.
at Lake Erie."

The following from Commodore Chauncey confirms the foregoing.

*"U. S. Ship General Pike, Sackett's Harbor,
26th Feb. 1814.*

SIR,—From recent information I have reason to believe that the enemy will make a desperate effort to regain the possession of the two ships at Put-in-Bay. They have recently sent from Kingston to the upper part of the province, a number of soldiers and sailors. The object in sending the sailors can be for no other purpose but to man those vessels. My impression is that they intend to make an attempt in boats, and if they succeed, take the ships to Malden or Long Point, where they will be joined by three brigs, which I have information they have built or are building on Lake Huron. With this force, the enemy will be able to contest the command of Lakes Erie and Huron. To guard against the possibility of the enemy's obtaining the command of the upper lakes, you will despatch all the force which you can spare to Put-in-bay, for the protection of the two ships there, with

orders to the officer that in no event whatever those ships are to be surrendered to the enemy. If he should be attacked with a force which would probably succeed against him, he must set fire to the ships and retreat to the main.

(Here follow directions for the necessary defensive arrangements.)

I have the honor to be,
With great respect, Sir,
Your most ob't serv't,
ISAAC CHAUNCEY.

Capt. JESSE D. ELLIOTT,
Com. Naval Officer, Erie, Penn."

The following from Commodore Chauncey is an order for an attack upon a British post.

"Sackett's Harbor, 30th March, 1814.

DEAR SIR,—I have positive information that Michilimachinac is much distressed for supplies and very few troops there. You will therefore be prepared to proceed into Lake Huron the moment that the ice will allow you. Instructions shall be forwarded to you in a few days.

I am very respectfully, dear Sir,
Your ob't serv't,
I. CHAUNCEY.

Capt. JESSE D. ELLIOTT."

The following is an extract of a reply to a request from Captain Elliott for permission to return to Lake Ontario.

"Sackett's Harbor, 31st March, 1814.

DEAR ELLIOTT,—Your esteemed favor of the 17th inst. I have received, and I regret to learn that you have been indisposed. Nothing would afford me more pleasure than to have you with me; but the importance of the command upon Lake Erie requires an officer of talents and great zeal, and I know of no one better fitted for that station than yourself. In fact the country looks up to you in some degree as the commander on Lake Erie. It would therefore be impolitic to remove you, if there were not more weighty reasons. You must therefore, my dear Sir, consent to stay where you are,

and serve your country, and immortalize yourself, which I know you will do if opportunities offer.

(Here follow instructions for proceeding to Lake Huron, and information of the state of affairs on Lake Ontario.)

I am, my dear Sir,

With great sincerity,

Your friend and humble serv't,

I. CHAUNCEY.

Capt. JESSE D. ELLIOTT, Erie."

The next from Commodore Chauncey, dated April 1, 1814, contains instructions for the expedition to Lake Huron, to reduce Michilimachinac, St. Josephs, Machedoth, and any other British post on that lake, and concludes with,

"Having the most perfect reliance upon your zeal, intrepidity and talents, I calculate much on the honorable and brilliant issue to your enterprise into Lake Huron.

I have the honor to be,

Very respectfully,

Your's, &c.

ISAAC CHAUNCEY.

Capt. JESSE D. ELLIOTT,

Sen. Naval Officer, Erie, Penn."

The following is from General Harrison.

"Head Quarters, Cincinnati, 3d April, 1814.

DEAR SIR,—The enemy will no doubt push on re-inforcements and supplies to Machinac, as soon as the lakes are navigable. The merchants also will be forwarding their Indian goods to Lake Superior and Green Bay. Would it not be well to send some of your vessels up to Detroit, that they may be ready to commence cruising in Huron and Michigan as soon as they are open? It will be necessary that I should remove the greater part of the troops from Put-in-Bay to Detroit very soon, to supply the place of those whose terms of service are expiring.

I am, with great respect,

Your humble servant,

WM. HENRY HARRISON.

Com. JESSE D. ELLIOTT,

Commanding U. S. Flotilla on Lake Erie."

Soon after the date of the last, Captain Elliott's wish to return to Lake Ontario was gratified, because the great increase of force on that lake rendered the duties upon it more arduous. Several new and large ships had been launched at Sackett's Harbor, and the number of American seamen in the fleet was about five thousand. The British fleet also had been greatly augmented, particularly by the addition of a ship of the line of 64 guns, and a 44 gun frigate. Captain Elliott was then wanted, for Commodore Chauncey knew his value. He accordingly received the following letter from the Secretary of the Navy.

"Navy Department, April 15, 1814.

SIR,—The arduous duties and great increase of force on Lake Ontario, together with the interruption of intercourse between the commander-in-chief on that lake and the commander of the squadron on Lake Erie, has rendered it expedient to place the latter under a separate command.

Captain Sinclair is therefore appointed to the command of the squadron on Lake Erie, to whom you will communicate all the information you possess, and the arrangements you have made for the future operations of the squadron. You will then, Sir, agreeably to the wish expressed in your letter to Commodore Chauncey of the 19th December last, proceed to Sackett's Harbor, and report yourself to him.

I am, very respectfully,

Your ob't serv't,

WM. JONES.

JESSE D. ELLIOTT, Esq.

Commanding the U. S. Squadron
on Lake Erie."

While Captain Elliott was in command on Lake Erie, he wrote the following letter to Mr. Brownell. As this officer thought fit, before the committee of the House of Representatives of Rhode Island in 1818, to impeach the courage of Captain Elliott, this letter is published for the purpose of showing that if he were timid in action, he was far from being so in counsel.

"*Buffalo*, 11th Dec. 1813.

SIR,—You will assume the command of the U. S. Brig *Caledonia*, get her ballast on board, and proceed with all possible despatch to Erie; if on your arrival at that place, you should be prevented from getting into the harbor by the ice, and the wind continuing favorable, you will proceed to Put-in-Bay, and put your men on board the two ships, and there co-operate with the army force, in defence of those vessels. Should you be so unfortunate as not to reach either of the above mentioned places, you will return to Black Rock, and beach your vessel just back of General Porter's store house, to prevent her from being injured by the ice, and mount ten guns, that you may be enabled to protect her in any attempt which may be made by the enemy to destroy her. I need not mention the line of conduct to be observed by you on the approach of the enemy. The vessels are not to be abandoned, but defended as long as a man or officer is left.

Respectfully,

J. D. ELLIOTT.

Acting S. M. THOS. BROWNELL,
U. S. Navy."

The following extract of a letter from Mr. Breese, another of Commodore Perry's witnesses before the Rhode Island committee, corroborates the testimony already cited to show the danger to which our fleet was exposed, after the battle of Lake Erie.

"*Cattaraugus*, 3d Jan. 1814.

SIR,—Since I last had the honor of addressing you, I have seen Colonel M'Mahan; the only information of consequence that I could obtain from him was that just before the action at Black Rock and Buffalo, an American prisoner deserted from the British, and informed them, (our officers) of the intended attack upon those places, and at what time they meant to cross, which information has proved correct in every instance. He also stated that the enemy had formed a plan for *destroying* our fleet at Erie, which was to be put in execution as soon as the ice was sufficiently strong on the lake to bear the weight. Their intention is to send *one hundred sleighs* with good horses, each to carry six men, which will enable them to reach Erie equally as soon

as any express that may attempt to give you information of the expedition.

(Here follows some account of the burning of Buffalo.)

Very respectfully,

I have the honor to be, Sir,

Your ob't serv't,

THOS. BREESE.

Capt. JESSE D. ELLIOTT,

Commanding U. S. Naval force
on Lake Erie."

The following from Sailing Master Champlin, another of Commodore Perry's witnesses, shows what preparations were deemed necessary for the protection of our ships after the battle of Lake Erie.

"*Put-in-Bay, Jan. 14, 1814.*

SIR,—I have every thing in complete order at this place. I have the guns mounted in the block house; I have mounted on board of the Detroit 21 guns, and on board of the Queen Charlotte 19. I have mounted those 32 pounders and 24 pounders that were left on board of the Detroit. I can bring 12 guns to bear in every direction. The ice is constantly kept open. I think if they attack us, they will meet with a pretty warm reception. The sailors are all well, the soldiers are very sickly. We have provision enough to last till the first of April. The beef is very bad.

I have the honor to be

Your ob't humble serv't,

STEPHEN CHAMPLIN.

Capt. JESSE D. ELLIOTT,

Commanding U. S. Naval force
on Lake Erie."

CHAPTER VIII.

Battle of Lake Erie. Court of Inquiry at New York in 1815. Testimony of Officers of the Niagara, Messrs. Webster, Montgomery, Cummings, Adams, and Tatem.

It now becomes necessary to advert to the Court of Inquiry held at New York in 1815,* at the request of Captain Elliott. This request, the reader will recollect, was founded upon a statement in the report of the British Court of Inquiry upon the loss of their fleet on Lake Erie, in which report Captain Elliott was accused of running away from the *Queen Charlotte*. The witnesses for Captain Elliott before this Court were Messrs. Webster, sailing master, Montgomery, Cummings, and Adams, midshipmen, and Tatem, master's mate.† These witnesses are perfectly consistent with themselves and with each other, confirm every thing which Commodore Perry admits, state nothing improbable, and contradict all Commodore Perry's witnesses. They all concur in stating, 1st, that Captain Elliott did every thing becoming a brave and meritorious officer, and exerted himself to the utmost to close with the enemy; 2d, that from the commencement of the action till Commodore Perry went on board of the *Niagara*, she was at no time further from, and part of the time nearer to the enemy, than the *Lawrence*; 3d, that when the *Niagara* passed to windward of the *Lawrence*, the distance between the two was very little; 4th, that

* Appendix B. † Appendix B, 4, 6, 7, 8, 9.

when Commodore Perry boarded the Niagara, she was in close action with the enemy ; 5th, that at no time during the action, did the Lawrence and Caledonia bear down upon the enemy, and leave the Niagara standing on the wind ; 6th, that very soon after the commencement of the action, Captain Elliott ordered the Caledonia out of the line, and took a position directly astern of the Lawrence. Besides these points, Messrs. Montgomery and Adams state that the jib boom of the Niagara was once over the taffrail of the Caledonia, and Mr. Webster says that he once backed the topsails to avoid running into the latter. This last fully explains the backing of the topsails mentioned by Messrs. Turner and Brownell, and shows that it was not done to keep the Niagara at a distance from the enemy ; and as Mr. Webster was sailing master of the Niagara, he would doubtless know as well as the officers of other ships, the object of these movements in her sails.

Mr. Webster also refutes the assertion of Mr. Breese, that the Niagara sustained but little damage ; for he says what it was his particular province to know, that the mainstay, fore-topmast backstays, a great deal of running rigging, and two shrouds of the fore-rigging, were shot away, and that some of the spars were wounded. He says that the fire of the enemy appeared to be directed to the Niagara's spars and rigging ; which was in accordance with all the other movements of the enemy for crippling the Lawrence by firing at her hull with long guns, and at the same time, of preventing the Niagara from coming to her assistance, by destroying her rigging with carronades.

Messrs. Montgomery, Adams and Tatem say that when Captain Perry boarded the Niagara, her helm was *up*, and she was running directly down upon the enemy, and thus directly contradict the assertion that she kept aloof. Messrs. Montgo-

mery, Adams, Tatem and Cummings say that at no time did the Lawrence and Caledonia bear up and run down upon the enemy, leaving the Niagara with her main topsails aback, or leave her on a wind; and thus contradict all the witnesses who deposed before the Rhode Island committee, and Lieutenant Forrest besides. Mr. Forrest evades this question before the Court of Inquiry, and in his letter in 1821, directly says that Captain Elliott put his helm *down* and steered to windward; thus not only placing himself in contradiction with Messrs. Montgomery, Tatem, Adams and Cummings, but with *himself* also. Messrs. Webster, Montgomery, Adams, Tatem, Cummings, Yarnall and Forrest say that at no time did Captain Elliott attempt to *make off* from the enemy. Here again they all contradict the deponents before the Rhode Island committee, and here again Lieutenant Forrest disagrees with himself. Mr. Montgomery says that the Hunter struck before Captain Elliott left the Niagara. This proves that the Niagara could not have been very distant from the enemy. All the witnesses before the Court of Inquiry admit that the plan of the battle laid before it by Captain Elliott, was correct; and according to this plan, the Hunter was the fourth ship in the British line. Lieutenant Yarnall says that the first division of the Lawrence was fought against the Detroit, the second against the Queen Charlotte, and that occasionally guns were fired at the Hunter. Unless then she were fired upon by the Niagara, she was compelled to strike by the fire of the Caledonia and these occasional guns from the Lawrence. It seems hardly probable that a great brig of 10 guns should strike to a little schooner of 3 guns, aided by *occasional* shots from a brig of 20 carronades, closely engaged with two great ships, mounting together 36 guns, 19 of them long 12's, 18's, and 24's. Mr. Montgomery

further says that the Queen Charlotte ran from the fire of the Niagara, and fell foul of the Detroit, before the Lawrence was disabled; which proves that the Niagara was sufficiently near to do great execution with her carronades; for it is not to be supposed that the Queen Charlotte, of 17 guns, would run away from the Niagara's two long 12's. As the statements of these officers are given in the Appendix B, it is needless to detain the reader with an analysis of each.

The document next in order is the opinion of the Court. This, like the Report of the Secretary of the Navy and the Resolution of the House of Representatives in 1813, is replete with ulterior meaning. The reason alleged by Captain Elliott for requesting an investigation, was an imputation upon himself in the opinion or report of a British Court of Inquiry, called to inquire into the capture of the British fleet on Lake Erie. But the American Court of Inquiry, as appears from their opinion, (Appendix B) go beyond this charge. In this opinion, they *first* imply that *attempts* had been made "to wrest from Captain Elliott the laurels which he gained in that splendid victory as second in command;" and having disposed of these *attempts*, they next come to the charge of the British Court of Inquiry as a separate concern. What *attempts* were these? Not the imputations of the British Court, for those are separately disposed of as "malicious and unfounded in fact." They must be the *attempts* of Commodore Perry and his friends, for no others of similar character had then been made. And how do the Court dispose of these? By saying that they "ought in no wise to lessen Captain Elliott in the opinion of his fellow citizens, as a brave and skilful officer." But the Court go further. They say that imperious duty compels them to publish testimony that is contradictory upon material points. In this testimony, Messrs. Yarnall and Forrest are directly at

issue with Messrs. Webster, Montgomery, Adams, Cummings and Tatem, upon the *material* point whether Captain Elliott bore down upon the enemy or kept aloof; and as Messrs. Yarnall and Forrest impeach him, and the other gentlemen exonerate him, and the Court say that “no *attempts* to wrest from him the laurels which he gained in that splendid victory as second in command, ought to lessen him in the opinion of his fellow citizens as a brave and skilful officer,” it follows that the Court place Messrs. Yarnall and Forrest in the wrong, and the other gentlemen in the right. Any other conclusion is illogical. The Court manifestly intended to rebuke these insidious attempts, upon this side of the water, against the well earned fame of a brave and skilful officer; and most thoroughly, most severely have they done it.

The next evidence is a letter from Hon. Henry Wheaton, formerly American Minister to Denmark, and who acted as Judge Advocate of the Court of Inquiry. This letter was written immediately after the adjournment of the Court, and was written for the purpose of advising Captain Elliott upon the publication of the proceedings of the Court, in order to lay his triumphant vindication before the world. The high character of Mr. Wheaton forbids the supposition that he would, without satisfactory reasons, without conclusive evidence, take a lively interest in whatever concerned the reputation of Captain Elliott. The letter will speak for itself.

“*New-York 16th May, 1815.*”

DEAR SIR,—I sent you on Sunday, through the Post Office, the original proceedings in your case. Further reflection upon your letter has convinced me that nothing more is necessary for you to do, than to publish those proceedings as they stand.

If they require any explanation, I have the means of making it at hand. Mr. Verplanck, who now edits the

Analectic Magazine, has requested me to furnish a review or analysis of the case, (which he understood was to be published,) and that will afford me the opportunity of making such remarks as may be thought expedient,—which will be as widely diffused in the Analectic, as they could in any publication in the country. I think it better to publish the proceedings without preface or comment. If you should publish, I desire that I may see the proof sheets. Were I not still indisposed, I would come and see you ; but be assured of the lively interest I take in whatever concerns your reputation.

I am with consideration and esteem,

Yours sincerely,

H. WHEATON.

Capt. JESSE D. ELLIOTT.”

The documents next in order are the letters and affidavits of Messrs. Brevoort, Nichols, Conklin, Page, Montgomery, Adams, Cummings, Barton, and Berry, officers of the Niagara and other vessels of the squadron. That of Major Brevoort,* who served as a volunteer and commanded the marines in the Niagara, is dated Detroit, November 7, 1818, and was written about three months after the offering of Commodore Perry's charges at the Navy Department. It shows that Captain Elliott, instead of keeping aloof, for the purpose of leaving the Lawrence to be destroyed, as has been suggested by Messrs. Forrest and Breese, ordered the Caledonia out of the line, for the purpose of enabling the Niagara to render more assistance to the Lawrence ; and that after passing the Caledonia, he continued a heavy fire upon the Queen Charlotte. Here Mr. Brevoort contradicts Mr. Brownell, who says that the Niagara merely fired her bow guns, two long 12's, till brought into close action by Commodore Perry. He testifies distinctly to the conversation between Captains Perry and Elliott, when the former boarded the Niagara, and confirms the admission in

* Appendix F 1.

the Official Report, that Captain Elliott was the first to propose the bringing up of the gun boats. This, as before observed, shows that Commodore Perry was either in despair or great apprehension, while Captain Elliott was collected and full of confidence. He also contradicts the insinuation of Mr. Taylor, that the enemy had surrendered before Captain Elliott got up with the gun boats; for he positively asserts that the one commanded by Captain Elliott, the Somers, raked the Detroit before she struck. As the Somers had two long guns, one a 32, the other a 24 or 18, and as Captain Elliott, immediately after boarding her, ordered the round shot to be drawn from the guns, and to be replaced by grape and canister, this raking must have been no trifle upon a 19 gun ship. But above all, Mr. Brevoort shows the opinion which Commodore Perry expressed of Captain Elliott *at the time*, though he thought fit to express a different opinion afterwards; for he says that when Captain Elliott returned to the Niagara, Commodore Perry shook him by the hand and said, "I OWE THIS TO YOU!!!" *What* did he owe to Captain Elliott? The rescue of his own fleet from destruction and the capture of the British! In other words, THE VICTORY OF LAKE ERIE!!

The next is the statement of Mr. Nichols.* Soon after the first accusatory pamphlet appeared in Washington in 1821, Captain Elliott published an address in the Washington City Gazette, in which the name of this officer was erroneously printed *W. Nichols*. In the second pamphlet, which appeared soon after, it is roundly and positively asserted that "there was no officer in the American fleet by the name of *W. Nichols*." This little circumstance fully evinces the spirit which dictated

* Appendix F. 2.

and presided over this publication ; for while it is true in terms, it is false in meaning. It is a falsehood in the words of truth. The publisher of the pamphlet either *did* or *did not* know that there was an officer in the fleet named Nichols. If he did know it, he must have known that the address of Captain Elliott contained an error merely in the *Christian* name of the officer. If he did not know it, he would not have hazarded an explicit denial without consulting the muster roll of the officers of that fleet, or the register of the navy ; and such consultation would have informed the publisher, whoever he be, that a *Mr. Nichols* was in the fleet, though with a different *Christian* name from that mentioned by Captain Elliott. In either case then, he must have perceived that Captain Elliott committed an error merely in the name, but not in the person ; and to say then, for the obvious purpose of discrediting his statement, that there was no such officer in the fleet as W. Nichols, when there was such an officer as D. C. Nichols, and this D. C. Nichols was the very person alluded to by Captain Elliott, is a very disingenuous contrivance. But who was this Mr. Nichols, and what says he ? He was the second officer of the Somers before Captain Elliott boarded that vessel, and was put in command of her by Captain Elliott, Mr. Almey, the commander, having been sent below, incapable of acting from intoxication. He writes from Washington to Captain Elliott at Norfolk, on the very day after reading the second pamphlet, which is the one lately republished in Boston, and therefore appears as a volunteer, without the solicitation or previous application of Captain Elliott. He says the wind was light, that the Lawrence reached some distance ahead, when it became perfectly calm ; that after the Lawrence appeared to be much shattered, the wind freshened, and the Niagara pushed ahead

of the Caledonia; that immediately after this, the Commodore boarded the Niagara in a boat, and that Captain Elliott took Commodore Perry's place in the boat, boarded and spoke each of the small vessels, urging them on, and returned and went on board of the Somers. He explains the ridiculous invention about "dodging a shot," and shows that the striking of a gunner with a trumpet was *not* for laughing at this *dodging*, but for disobedience of orders. He also settles the question about Captain Elliott's *cowardice*, by saying that he looked to the Captain's countenance for encouragement, and received it abundantly. He says that he heard of no attempts of Captain Elliott to excite a party against Commodore Perry, but knew that many of the officers were Captain Elliott's enemies. In short, his statement is a full and entire refutation of the miserable fabrications about Captain Elliott's cowardice, and his anxiety to keep out of the battle.

The next is the statement of Mr. Conklin,* who commanded the Tigress. It fully supports the substance of Mr. Nichols' statement, and says that Captain Elliott, in bringing up the smaller vessels, evinced the utmost activity and bravery.

The next is the statement of Mr. Page,† who was on board of the Tigress under Lieutenant Conklin. He fully confirms the statements already introduced, and furthermore says that the favorable impression of Captain Elliott's conduct in the battle was universal, till the return of the fleet to Erie in October. He was then informed by Lieutenant Yarnall, that a difference had arisen between Commodore Perry and Captain Elliott; to which Mr. Yarnall added that he had always awarded to them an equal share in the victory. Here he explicitly contradicts Lieutenant

*Appendix F. 3.

† Appendix F. 4.

Yarnall ; but as his statement is positive, while Lieutenant Yarnall, before the Court of Inquiry, merely said that he did not recollect such conversation, the weight of evidence is on the side of Mr. Page. He says that he never heard of the story about the *chain shot*. Had such story been current, and a general theme of mirth among the officers, it is difficult to imagine how it could escape the ears of Mr. Page.

The next is a letter from Lieutenant Montgomery* at New York, voluntarily and unsolicited, addressed to Captain Elliott. This letter, being very explicit, affords very important testimony. He contradicts all the testimony about the Niagara's being beyond the reach of shot, by stating as a "convincing proof" to the contrary, that in a few minutes after the first gun was fired, and before the action became general, two of her foretopmast backstays were cut away by a chain shot from the Queen Charlotte, and that several men were killed and wounded. He makes this statement *expressly* for the purpose of contradicting the statements of Commodore Perry's witnesses about the distance of the Niagara from the enemy. He says the Niagara was close astern of the Caledonia, and abreast of the Queen Charlotte, till 1 P. M., when the Queen Charlotte bore away from the fire of the Niagara, and began to fire on the Lawrence. He says that Captain Elliott ordered the Caledonia out of the line, passed her, and took a position not more than 150 yards astern of the Lawrence, which distance she gradually lessened, firing constantly on the Queen Charlotte and Lady Prevost till the Lawrence was disabled. Immediately after this, Captain Elliott approached within 35 or 40 yards of the enemy, and fired upon the Queen Charlotte, Lady Prevost and Hunter. At this time, he called the boarders to repel

* Appendix F. 5.

an attempt to board by the *Lady Prevost*, which proves that the *Niagara* must have been very near to the enemy. *After* this, Commodore Perry boarded her. He directly contradicts the statement that only three or four were killed or wounded in the *Niagara*, before Commodore Perry boarded her; for he says explicitly that the whole number of killed and wounded, including slight wounds, was thirty-three or thirty-four, and that only three or four were killed and wounded *after* Commodore Perry took command of her. He quotes Captain Buchan, the commander of the *Lady Prevost*, who spoke in the highest terms of Captain Elliott, and attributed their sudden and unexpected reverse of fortune to his skilful manœuvring, after the disabling of the *Lawrence*.

The next is the statement of Mr. S. W. Adams,* midshipman on board of the *Niagara*. He confirms all the statements made in the letter of the officers of the *Niagara* to the Secretary of the Navy, and likewise the statement that Captain Perry said, on boarding the *Niagara*, "the day is lost," and that Captain Elliott replied to it, "No sir; if you will take charge of my battery, and permit me to go and bring the small vessels into closer action, the victory will be complete." He also quotes the statements of Commodore Barclay and Dr. Young of the *Detroit*, both made to himself, that only one of her men was killed, and two wounded, before the *Niagara* engaged her. This statement is conclusive; for as the *Lawrence* fired mostly upon the *Detroit*, she could not have engaged her "upwards of two hours within canister shot distance" before the *Niagara* came up, without killing and wounding more than three men. The *Niagara* must then have been near enough to reach the enemy, and with carronades too, almost as soon as the *Lawrence*.

* Appendix F. 6.

The next is the statement of Mr. Cummings,* acting midshipman on board of the Niagara, who confirms his testimony before the Court of Inquiry. He also says that being stationed in the main top of the Niagara, he did not hear the conversation between Commodore Perry and Captain Elliott when the former came on board, but was told, both by Lieutenant and Midshipman Smith, that it was precisely what has already been stated by Messrs. Brevoort and Adams. He also says that "some time" before Captain Perry came on board, Captain Elliott ordered the Caledonia out of the line, to enable him to shoot ahead. He also says that before Commodore Perry came on board, Captain Elliott ordered the boarders to be called, to repel an attempt to board by the Lady Prevost. This single circumstance completely refutes all that has been said by Commodore Perry's witnesses, about Captain Elliott's keeping at long shot; for it proves that the Niagara must have been *very near* to the enemy. It proves, at the same time, the statement that Captain Elliott ordered the Caledonia out of the line, for the purpose of taking a position directly astern of the Lawrence; for as the Lady Prevost was the second ship in the British line, between the Detroit and Queen Charlotte, and consequently opposite the Caledonia, the Niagara could not be near enough to be boarded by her, without taking the Caledonia's place. Thus the Niagara, too far off to fire any but her long bow guns, too far off to be reached by the guns of the Queen Charlotte, too far off to sustain any damage, too far off to have more than one or two men wounded before Captain Elliott left her, so far off as to excite the surprise and call forth the animadversions of Messrs. Forrest and Taylor, so far off as to be half of a mile off the weather bow of the

* Appendix F 7.

Lawrence, and to call forth expressions of surprise from Mr. Yarnall to Commodore Perry, was yet near enough for the commander of the *Lady Prevost* to think of boarding her!! Either the witnesses of Commodore Perry were sadly mistaken about the distance, or Captain Buchan thought of *boarding at long shot*!

Mr. Cummings concludes his statement with saying that Captain Elliott did not evince any want of conduct or exertion, and never, to his knowledge, attempted to prejudice any of the officers against Commodore Perry.

The next is the statement of Dr. Barton,* surgeon of the *Niagara*. He completely refutes the statement that has been ascribed to the British officers, that the *Niagara* was not within reach of their shot, by saying that a man was mortally wounded on the berth deck very early in the action, by a shot which *passed through both sides of the vessel*! This single fact contradicts every one of Commodore Perry's witness-
es, and shows how easily the most plausible delusion may be dispelled, or the most carefully fabricated tale refuted. If the shot were from a long gun, the *Niagara* must have been within reach of carronades, for shot from long guns will seldom pass through both sides of a ship, unless it be near enough for carronade shot to penetrate one side. He refutes Mr. Taylor's statement about the *Niagara's* being full of effective men, for he says that on the morning of the battle, twenty-eight men were on the sick list. He says their diseases were cholera morbus and dysentery; and every one who is acquainted with fleets or armies, either practically or historically, know that neither of these diseases often appears among soldiers or sailors, without being *epidemic*. He says that "the number

* Appendix F 8.

of wounded on board of the Niagara has been *falsely* estimated at twenty!" The author of the statement which he thus characterises, is Dr. Usher Parsons, who was not on board of the Niagara during the battle, but merely attended her wounded the next day, in consequence of the sickness of Dr. Barton. The latter says the exact number reported was *twenty-seven*, and the cases of slight wounds not reported, six or eight more. He states as his firm belief, that, more than half of this number were wounded before Commodore Perry came on board; and this belief is corroborated by the fact, that, the ward room and steerage were crowded with wounded when Mr. Webster was carried below, which was *before* Commodore Perry got on board. If "one or two," the number given by Dr. Parsons, could crowd the ward room and steerage of a twenty gun brig, that gentleman may be right; if not, the balance of probabilities is in favor of Dr. Barton. He confirms the statement of Mr. Nichols, who said that he derived much confidence from the countenance and behavior of Captain Elliott on board of the Somers. He quotes Mr. Nichols as authority for the intoxication of Mr. Almey; and this refutes Mr. Brownell, who, in stating that he was sober "a few hours after the action," would insinuate his sobriety during the action. He concludes by saying that Messrs. Edwards, Webster, Smith and Magrath ascribed a large share of the victory to the aid rendered by Captain Elliott.

The last is the statement of Mr. Berry,* boatswain of the Niagara. He confirms the statement of Mr. Webster before the Court of Inquiry, that early in the action, the foretopmast backstays of the Niagara were carried away by a chain shot from the Detroit; which shows that she could not have been much farther

* Appendix F 9.

from the enemy than the Lawrence. He says that about thirty minutes after the commencement of the action, the Queen Charlotte shot ahead and directed her fire upon the Lawrence, and that in consequence of this, Captain Elliott hailed Lieutenant Turner, and ordered him to make room to enable the Niagara to pass to the assistance of the Lawrence. Thus are the affidavits of Messrs. Forrest, Champlin, Breese, Brownell and Taylor completely answered. They say that the Niagara *sheered to windward, instead of bearing up to the assistance of the Lawrence*; Mr. Berry says that Captain Elliott *passed the Caledonia for the purpose of assisting the Lawrence*. The witnesses are directly at issue, and numbers are against Mr. Berry; but as *he* was on the same deck with Captain Elliott, he had a better opportunity of knowing what his commander said in hailing Mr. Turner, than *they*, who, being in the Lawrence, Scorpion and Ariel, could not have heard him at all. Mr. Turner, the officer hailed, might have thrown a doubt upon the boatswain's statement, by joining the other witnesses about this *sheering to windward*; and as his ship, the Caledonia, was immediately ahead of the Niagara, he could not have avoided seeing this movement. Had it been made for the purpose of *sheering off*, he could not have overlooked a fact so important to the case of Commodore Perry; and prejudiced as he seems to have been against Captain Elliott, he would probably have been inclined to make the most of it. But he does not mention this movement at all; and it is not a little singular that *five* officers in distant ships should see and comprehend an important movement, which the commander of the ship *close by*, and equally disposed to find fault, should not mention. The inference is fair that Mr. Turner did perceive and understand this movement, and knew it was one which he could not mention to the injury of Captain Elliott.

He doubtless remembered, when writing his affidavit, that the Niagara did *sheer* to windward, and the Caledonia to *leeward* at the same time! and that his own sheering was in obedience to the order through Captain Elliott's trumpet, "to bear up and let the Niagara pass to the assistance of the Lawrence."

Mr. Berry then says that after passing the Caledonia, the Niagara got within twenty or thirty yards of the Lawrence, and directly in her wake, and continued her fire upon the Queen Charlotte about two hours! or till half past 2; at which time they perceived that the Lawrence was disabled. Then, says the witness, Captain Elliott bore up for the enemy, and when they were near the British line, Commodore Perry was seen approaching in a boat. Here he is at issue with Mr. Taylor, who says that when Commodore Perry left the Lawrence, the Niagara was passing her larboard beam, near half of a mile distant. At this time, the Lawrence had dropped astern; and as she was disabled, and without sails or rigging, she *could not* have dropped astern to windward, but *must* have done it to leeward. If then the Niagara were in her wake, only twenty or thirty yards distant, where was the necessity of a circuit of nearly half of a mile to windward, in order to get ahead? The wind was southeast; and the squadrons sailing upon the wind with one point free, or heading southwest by south. Under these circumstances, the Niagara could not have got a half mile off the larboard beam of the Lawrence, without making two, if not three tacks; but she could have got ahead of the Lawrence without making any, simply by going one point nearer to the wind. This would have left her six points, which, as every seaman knows, are not too few for a brig. Captain Elliott must have been a raw seaman to think of the movement imputed to him. Mr. Taylor's statement about this distance must be altogether errone-

ous ; and if so, what becomes of his other statement, that, "it was a considerable time, with all the exertions of the boat's crew, before they could come up with the Niagara?" They must have been rather sluggish tars, who, in the midst of a battle, would occupy "a considerable time" in carrying their commander in a boat about thirty yards ! Besides, how should Mr. Taylor know what time was required for this passage, he being then engaged, according to the statement of Mr. Yarnall before the Court of Inquiry, in consulting with Messrs. Yarnall and Forrest upon surrendering the Lawrence ?

But the witness says that when Commodore Perry was seen approaching in a boat, *he*, as boatswain, was called to attend the side. For what purpose was he to attend it ? Those acquainted with naval etiquette know that when an officer in a boat approaches a ship, to come on board, a boatswain is called to *pipe him over*, or attend him at the ship's side. This ceremonial is particularly due to the commander of a fleet or squadron, from the commander of each ship ; and as the officer approaching was known to be Commodore Perry, Captain Elliott was not inclined to omit this civility to him. It has been suggested that the *cowardly* Captain Elliott not only endeavored to keep as far as possible from the enemy's shot, and even to *dodge* them when they came too near, but was excessively agitated, and almost powerless from fright, when Commodore Perry met him on his own deck. It is difficult to imagine how an officer could be crazed and stupified by fear, and at the same time, attentive to the minutest forms of naval etiquette ; and therefore difficult to imagine how Captain Elliott could be dodging shot, and utterly unconscious of what he was doing, and at the same time calling a boatswain to receive his commander with the customary compliment. The poet speaks of *method* in

madness ; but to Commodore Perry and his witnesses belongs the merit of discovering method in *folly*. To those less disposed to find fault than Captain Elliott's enemies, this attention to ceremonial at such a moment, attention which interfered with no other duties, would indicate thorough coolness and self possession.

Mr. Berry confirms the statement of Mr. Brevoort concerning the conversation between Captains Perry and Elliott, when the former boarded the Niagara ; a conversation which proves that the former was in despair, while the latter was full of confidence.

CHAPTER IX.

Battle of Lake Erie. Testimony of the British Officers.

It is now necessary to go back in the order of time, and introduce the testimony of the officers of the British Squadron; for as this testimony is very important, it deserves a separate consideration. It consists of extracts of the official report of Commodore Barclay, an extract of a letter from Lieutenant Inglis, second officer of the *Detroit*, to Commodore Barclay, and the opinion of the British Court of Inquiry upon the capture of the British Squadron.* The assertions of these witnesses against Captain Elliott are absolutely unfounded, and their falsity will appear from contradictions among the witnesses, or rather by additional statements of the same witnesses, statements proved by the witnesses of Captain Elliott, which render these derogatory assertions absolutely impossible. According to the assertions ascribed to these officers by some of Commodore Perry's witnesses, and to the documentary statements of the same officers, these gentlemen seem to have entertained a singular partiality for Commodore Perry, and a no less singular hostility against Captain Elliott. Dr. Parsons quotes the officers of the *Queen Charlotte* as saying that, the *Niagara* was too far off to be reached by their guns. Mr. Breese tells the same story. Mr. Brownell quotes Captain Bignall, Commander of the

Hunter, as saying that, "had Captain Elliott belonged to the British Navy, he would have been hanged." The second pamphlet against Captain Elliott contains an extract from the official letter of Commodore Barclay, in which the Commodore states that, the Niagara kept so far to windward as to render the guns of the Queen Charlotte useless; and that when Commodore Perry boarded her, she was perfectly fresh. He characterises what *he* calls the effort of *Commodore Perry* to regain the day, as a *noble* effort. The British court of Inquiry say that after the surrender of the Lawrence, "the American commander hoisted his flag on board of another of his squadron, which had not been engaged and was making off." The Naval monument, printed at Boston in 1816, records a toast given by Commodore Barclay, at a public dinner and ball given to himself at Terrebonne in Canada; "Commodore Perry, the gallant and generous enemy." According to all this testimony, Commodore Perry is "*the gallant and generous enemy, recovering a lost victory by noble efforts,*" while Captain Elliott is *a cowardly runaway, who deserves to be hanged*. It might be difficult to conceive any adequate motive for these opposite feelings towards two enemy-officers, equally strangers to them personally, did not the history of the whole world for the last century and a half, abundantly furnish explanations.

In this the British officers had two objects; the first, to indulge feelings for which the British are remarkable above all other nations; good nature towards those whom *they* have vanquished, and ill nature to those who have vanquished *them*; the second, to furnish a satisfactory excuse for their own defeat and capture. The British exceed all civilized nations for magnifying their own exploits and virtues, and for depreciating those of other people. Most particularly are they accustomed to boast of

their own magnanimity and generosity, and to disregard those virtues in practice towards a victorious, and often towards a vanquished foe. Twice has the American nation been engaged with the British as enemies, and in both instances did it often find them arrogant and cruel in victory, and uniformly false and perfidious in defeat. They have been correctly painted by Mr. Walsh in his masterly "Appeal," for which his country owes him a large debt of gratitude, and to which the reader is referred for more particular accounts. To say that the whole British nation is imbued with a spirit of arrogance and of falsehood, would be unjust; for the British national character exhibits many, very many points of great moral worth. In its political action, in the operations of its government with other nations, does the British nation exhibit its vices in boldest relief; and it may be said with truth, that, to discover the numerous and noble virtues of Englishmen, they should be viewed in detail; to discover their odious vices, their grasping avarice, their unfeeling arrogance, their cold, calculating disregard to human happiness and human life, they must be viewed collectively through their government. The British nation consists of two parties, tories and whigs, aristocrats and democrats. The first, which has governed the country ever since Cromwell's republic, if republic it could be called, was overthrown, almost exactly resemble the aristocracy of ancient Rome; arrogant, insolent, avaricious and cruel, regarding the rest of mankind as made for their use, leaving the prints of their fingers wherever they lay their iron hands, and who, to quote an eloquent expression, "rather than renounce the extortions of their birth-right, would sprinkle their palace floors with the blood of the provinces, and wash them with the tears of their own poor." The other party is the portion which furnishes the other

side of the picture, and exhibits the redeeming features of the British national character.

The tory party, having long governed the country, have infused their arrogant and perfidious spirit into all its acts with foreign nations, and all its records of the same. The consequences are that the British government has seldom been generous to enemies or just to allies, or governed any province or dependency without driving it into discontent or rebellion; and that British histories and official reports have rarely been correct, and often atrociously false. If they gain a victory, their own force is depreciated and that of their enemy magnified. If they suffer a defeat, the process is the same. If they capture a ship or a fleet, the commander is a noble fellow, who made incredible efforts of skill and courage, but without avail against British prowess. If they lose a ship or a fleet, the victorious commander owes his good fortune to some great superiority of force, to some unfair advantage, and "ought to be hanged." The British naval annals exhibit numerous victories of British 74's and 38 gun frigates over French 90 gun ships and 44's. In all these instances, the British force was superior, though the reverse is implied by the deceptive manner of telling the story. The French rate their ships by the number of guns which they carry; the English by the number which they carry on a particular deck. Thus, a French 90 gun line of battle ship carries 90 guns and *no more*, and a 44 gun frigate carries *only* 44 guns; but a British 74 carries from 90 to 100 guns, and a 38 gun frigate 49 or 51 guns. Besides this, the French shot generally weigh less than they are rated, the British invariably more. The 18 pound shot of the Java, captured by Commodore Bainbridge in the Constitution, weighed 21 pounds. The Guerriere sailed in search of the Constitution with a "motto flag" ex-

pressing defiance. Yet did the British official reports attribute her capture to "defective masts." The British fleet on Lake Erie was abundantly supplied with able seamen and every thing else, had 63 guns opposed to 54, and having a greater number of long guns than the American squadron, was much superior at long shot, as the capture of the Lawrence evinced. Yet according to the British Court of Inquiry, the loss of their fleet was caused by *defective equipment, the want of able seamen, and the very great superiority of the American squadron!!!*

Considering then the general deportment of the British Government toward enemies, and the general character of British accounts, the reader will be able to explain the imputed feelings of the British officers on Lake Erie towards Captains Perry and Elliott. They had beaten the first and captured his ship, and at the very moment when Captain Elliott was bearing down in the Niagara upon the head of the British line, the crew of the Detroit, after giving three cheers, were lowering their boats to take possession of her. Of course the British officers entertained no asperities against Commodore Perry. He had fought them most bravely; but in spite of his efforts, they had taken from him a fine ship, and felt towards him as they feel towards all from whom they have taken a rich booty,—*very benevolent*. But Captain Elliott had snatched the victory from their hands when they were most sure of it. Instead of being victors over a whole fleet, and rejoicing in the fancied invincibility of British-seamen, they were prisoners of war! The Royal Ensign, the Cross of St. George, had been hauled down from over their heads, and the stain of defeat was upon it! The world had now witnessed the defeat and capture,—not of a British ship, but of—a—British fleet! Yes! The only instance of the kind on record, a British fleet, after a desperate battle,

had been captured in fair fight by a force not superior, if equal!! And who had brought this reproach upon the flag of their country? Who had cut so deep into the glories of the *fast anchored isle*? Captain Elliott! In the bitterness of their disappointment, they could not refrain from angry feelings or angry expressions. They hated him for the deed; and as men seldom praise those whom they hate, the British officers could not refrain from venting their feelings in attempting to depreciate Captain Elliott. Such then was one object of the British officers in condemning Captain Elliott, the indulgence of their usual ill nature towards all who gain advantages over them.

The second object of the British officers in saying or implying any thing derogatory to Captain Elliott, was to furnish an excuse for their own defeat and capture. They knew that a satisfactory excuse for striking the cross of St. George would be required, both by their government and their country; more especially as this was done after they had achieved a victory, and actually captured the ship of the American commander. To strike the Royal Ensign was unfortunate enough; but to strike it to a flag which had already struck to themselves in the same battle, and was hoisted again in victory and glory, was deplorable! The affair *must* be explained; and if the fabrications so common in British public documents will avail, the fabrications must be made!! The first point is to devise the hypothesis; the next, to invent the statements necessary to support it. The British Commodore, in pursuance of a judicious plan, had directed the greater part of his force upon the Lawrence; and in the mean time, had been less solicitous to cripple the hull of the Niagara, than to destroy her rigging, for the purpose of preventing her from coming to the assistance of her consort. This

leaving the Niagara little injured in her battery, and with rigging enough left to be perfectly manageable, she was placed by Captain Elliott, shortly before Commodore Perry left the Lawrence, in a position which enabled her to fire with terrible effect upon the Detroit and Queen Charlotte. Here then was a ray, a glimmering of pretext for saying that the Niagara came into the contest perfectly fresh, after the surrender of the Lawrence. The hypothesis therefore is plain. The Niagara is to be kept perfectly fresh and uninjured, till after the British ships have been much shattered in capturing the Lawrence and keeping the rest of the American squadron at bay; she is then to come up, select a raking position, which her *perfect freshness* enabled her to do, and which the British ships, in their shattered condition, could not prevent, fire her heavy broadsides at discretion, and thus sink them or compel them to surrender. To keep the Niagara *perfectly fresh*, she must be kept out of the battle; she must be so far off that the guns of the Queen Charlotte, the ship nearest to her, could not reach her! If they could only establish this hypothesis, their case was plain; their capture was accounted for; and instead of being censured for striking the flag of Old England, they were sure of being applauded for saving so many valuable lives! This hypothesis can be easily proved. Its authors have only to deal in round assertions, they will not be opposed, excepting by the enemy, and when the statements of a British officer conflict with those of an enemy, the British Government and the British public *always know how to decide*.

The tale to be told in Commodore Barclay's official report, was doubtless the result of consultation among the officers; for a plausible tale must be offered, and in arranging it, the co-operation of all was useful, if not necessary. It is dated on the 12th of September,

two days after the battle. When it was actually drawn up does not appear; but it might have been several days afterwards. But at whatever time it was actually drawn, sufficient time was taken for devising and arranging it. As the American and British officers had a free intercourse with each other, and as disputes arose among the American officers, and slanders against Captain Elliott were circulated immediately after the battle, these disputes and slanders must have reached the ears of the British officers. It is immaterial whether the device of keeping Captain Elliott out of the battle, was suggested to the British officers by what they heard among the American, or was original with themselves. In either case they perceived the importance of giving it currency, especially in the American squadron; and therefore, whenever and wherever they heard the suggestion, they were prompt to give to it the weight of their own testimony. Hence their declarations to Messrs. Parsons, Breese, and Brownell, who, as they soon discovered, were enemies to Captain Elliott. If they could stimulate this animosity against him, their project would be aided; for the more embittered were the American officers against Captain Elliott, the more would they indulge in condemnatory statements, and consequently, the more evidence would the British derive from American authority, to sustain the fabrications which they intended to insert in their official report. Accordingly they say to Mr. Brownell, if his recollection is to be relied on, that Captain Elliott *ought to have been hanged!* The officers of the Queen Charlotte, in making these statements to Messrs. Parsons and Breese, had a secondary object, besides accounting for their defeat. A particular incident of the battle was to be explained. Their ship had *made off* from the fire of the Niagara, and they would offer a better excuse for this by saying that the Niagara was too

far off to be reached, than by saying that her fire was too heavy to be sustained. The tale is then inserted in Commodore Barclay's official report, that the Niagara was not in the battle till towards the close; this is afterwards adopted by the Court of Inquiry, with the addition that she was running away, and this was deemed amply sufficient *to satisfy the British public!*

But though these statements are roundly made in Commodore Barclay's report, they are somewhat inconsistent with other parts of the same document. He says that soon after the commencement of the action, Captain Finnis, of the Queen Charlotte, was killed, and Lieutenant Stokes struck senseless by a splinter; and that this left the ship in command of Provincial Lieutenant Irvine, whose experience was too limited to afford him much aid. The fire upon the Queen Charlotte must have been somewhat heavy, whence ever it came, to kill her Captain and first Lieutenant at the commencement of the action. According to all of Commodore Perry's witnesses, the American squadron was to close with the enemy, ship to ship, the Lawrence against the Detroit, the Caledonia against the Lady Prevost, the Niagara against the Queen Charlotte. The same witnesses state that the two squadrons went into action in this order. It has also been shown that the Niagara took the place of the Caledonia, to relieve the Lawrence from the fire of the Queen Charlotte; which could not have been till after the Queen Charlotte left the line and bore away from the fire of the Niagara. Up to this time, the Lawrence was firing upon the Detroit, the Caledonia upon the Lady Prevost, the Ariel and Scorpion, upon the weather bow of the Lawrence, could only have fired upon the Chippeway, the Detroit, and perhaps the Lady Prevost; the Queen Charlotte being out of their reach. The small vessels were astern, and if firing at all, upon the Hunter and Little Belt.

If then Captain Finnis, was killed and Lieutenant Stokes wounded, in the early part of the action, it must have been by the fire of the Niagara. This proves that the Niagara could hardly have been beyond the reach of the Queen Charlotte, unless the distance from her to the Niagara were greater than that from the Niagara to her.

But the letter of Lieutenant Inglis, commander of the Detroit after First Lieutenant Garland was killed, and Commodore Barclay wounded, contradicts these assertions still more strongly, and in the absence of all other testimony, would be sufficient to prove that the Niagara could not have been very distant from the enemy for some time before Commodore Perry boarded her. Mr. Inglis says that *after Commodore Barclay was wounded, the Niagara, till then on his weather beam, took a position on his weather bow, to rake him; that to avoid being raked, he attempted to wear, and fell on board of the Queen Charlotte, and that the two ships remained together for some time. He then says that after they got clear of each other, the enemy's squadron were raking both ships ahead and astern.* The reader will remember that according to Commodore Perry's witnesses, he bore up immediately after boarding the Niagara, and firing both broadsides, compelled the enemy to strike in a few minutes. If so little time intervened between his boarding the Niagara and the surrender of the enemy, he must have boarded her *after* the Detroit and Queen Charlotte got clear of each other, and could not have done it *before* they ran foul of each other, for they were together *for some time*. If then this running foul was to avoid being raked by the Niagara, and Commodore Perry was not on board of her, this attempt to rake must have been made by Captain Elliott. He could not have been very distant, to think of raking with carronades. But if Captain Elliott were so far off,

only one hypothesis remains. The Lawrence had work enough in returning the fire of the Detroit and Lady Prevost. The Ariel and Scorpion were opposed to these and the Chippeway. The Somers, Tigress, Porcupine and Trippe were far astern. The Niagara being out of the battle, nothing remains to have made all this havoc in the Queen Charlotte, but the little Caledonia! She must have been a terrible little spit-fire, with her three long 12's, to drive out of the line a great ship, mounting seventeen 24 pound carro-nades!!

One part of Commodore Barclay's report is entirely inconsistent with an impression conveyed by the witnesses of Commodore Perry. They imply, not only that the Lawrence sustained the whole fire of the enemy before she struck, but that afterwards, the battle was gained by the Niagara when under command of Commodore Perry. Dr. Parsons very plainly implies that after Captain Elliott brought up the small vessels, nothing remained for them to do. But the British commander says that Commodore Perry did not bear up in the Niagara till *after* the Detroit had become "a perfect wreck, principally from the fire of the gun boats," *after* the Queen Charlotte was disabled from assisting the Detroit, and *after* the Lady Prevost was disabled by the loss of her rudder. The reader will remember that according to Commodore Perry's official report, the Lawrence sustained the action upwards of two hours within canister distance; and as her fire was principally against the Detroit, it could not have been very effectual, if the damage done to that ship was chiefly the work of the gun boats. He will also recollect that the gun boats were brought up by Captain Elliott, ceased their distant and ineffectual fire the moment that he took command of them, and did not fire again till they were in close action. This "raking fire" must then

have been under the direction of Captain Elliott ; consequently the statement of Commodore Perry's witnesses about the "tremendous effect" of the Niagara's fire as he carried her through the British line, is not sustained by Commodore Barclay, and would seem to be exaggerated. Besides, if Commodore Perry did not bear up and pass through the British line till after the Detroit was disabled, "principally by the raking fire of the gun boats," he could not have been up immediately after taking command of the Niagara ; for as she was near the enemy when Captain Elliott left her, and according to Commodore Perry himself, in close action, and as the gun boats, at the same time, were far astern, the Niagara could have passed through the British line in less time than was required for the gun boats to come up. Yet were they up first.

This statement of Commodore Barclay cannot be correct ; for the Detroit was disabled, not by the two hours firing of the Lawrence within canister distance, not "principally by the raking fire of the gun boats," after they were brought up by Captain Elliott, though they had a share in the work, but chiefly by the "tremendous" fire of the Niagara, from her close and "judicious position" before she was boarded by Commodore Perry. But Commodore Barclay, in this statement, is at variance with Commodore Perry's witnesses ; and as he has been introduced as a credible witness for Commodore Perry, and as his official account has been quoted as true, it is for those who cited him to reconcile the discrepancy.

The readers attention is now called to other parts of Commodore Barclay's account, which, being grossly improbable, utterly destroy its credibility. He says that his squadron contained only fifty British seamen. This story cannot be true ; for to suppose that the British government would incur the expense of build-

ing two large ships, of equipping two large brigs, a large schooner and a sloop, for the purpose of aiding the operations of its army, and opposing an American fleet of 54 guns, should arm this fleet with 63 guns, 3 swivels and 2 howitzers, in all 68, and should furnish it with only 50 British seamen, is to suppose what they never did before. No nation is more thoroughly convinced than the British, of the great superiority in naval battles, of well trained sailors over land men, *fresh water* sailors and other substitutes. They had already had some experience of American prowess on the Lakes, in the capture of the Detroit and Caledonia; and upon the ocean, in the captures of the Guerriere, the Java, the Macedonian, the Frolic and the Peacock. Knowing then what species of enemy they were to meet, and having incurred a great expense in building and equipping a powerful fleet, manned by not less, probably, than 700 men, it is not to be supposed that they would expose it to almost certain loss, by furnishing it with only 50 British seamen. Lieutenant Webster swore before the American Court of Inquiry, that he saw 60 wounded men on board of the Detroit, which he believed to be seamen, and having a seaman's experience, he could not have been easily misled. He says the weather gage gave the Americans a prodigious advantage in choosing both their position and distance, whereby their long guns were very destructive, while the carronades of the Queen Charlotte and Lady Prevost would not reach. The wind was advantageous to the Americans in regard to position, but not to distance; for as the wind was South East, and the two squadrons sailing in parallel lines, South-west by South, it was as easy for the British to stand off as for the Americans to stand on. Indeed the British took advantage of the wind to choose their distance, and to keep beyond the carronades of the Lawrence,

while cutting her up with their long guns. He says that the Queen Charlotte and Lady Prevost were exposed to a heavy fire from "the Caledonia and four Schooners, armed with heavy and long guns, like those already described," i. e. long 24's and 32's. These "four Schooners" were the Somers, Porcupine, Tigress and Trippe; and as they did not direct this "heavy and destructive fire" upon the Queen Charlotte and Lady Prevost, until brought up by Captain Elliott, it is difficult to conceive what Commodore Barclay could mean by thus placing them to support the Caledonia. He says the Ariel had four long 12s, the Scorpion a long 24 and a long 32, and the "four schooners" a long 24 and 32 each. This is an armament of fourteen long guns, throwing at a single fire, a weight of metal of 328 pounds of shot. The actual force of these vessels was as follows: The Ariel had 4 long 12's, one of which burst early in the action, the Scorpion a long 12 and a long 18, the Somers 2 long 12's, the Porcupine, Tigress and Trippe, each a long 32; in all eleven guns, throwing at one discharge, 198 pounds. He makes an error of 3 guns and 130 pounds in a discharge. He speaks of the Hunter as carrying only 2, 4 and 6 pounders. She carried 10 guns, and as swivels are not usually enumerated with the guns, the 10 guns returned by Commodore Perry were doubtless exclusive of swivels. The British commander would not call any thing less than a 6 pounder a *gun*. His 2 and 4 pounders must therefore have been swivels. Yet he would imply that the *armament*, the *battery*, the *broadside* of a 10 gun brig consisted of 2 and 4 pounders!!

Such is Commodore Barclay's account. It is liable, not only to the general imputation of that falsity which is characteristic of British official reports, but likewise to the charge of gross improbabilities, of inconsistencies, and of contradictions by the American

officers. Yet such is the evidence that has been quoted by the compiler of the pamphlet against Captain Elliott, for the purpose of convicting an American officer of cowardice or treachery!

CHAPTER X.

Battle of Lake Erie. Engravings.

It is now necessary to notice a piece of testimony, which, though it has not been formally quoted in either of the pamphlets against Captain Elliott, seems to have been originally devised for the purpose of affecting the public mind against him. In the Naval Monument, already mentioned, are two engravings, entitled "*First and Second views of Commodore Perry's victory,*" and two diagrams or keys, explanatory of the same. The first represents the time when Commodore Perry leaves the *Lawrence* to board the *Niagara*; the second when he hoists the signal for close action, on board of the *Niagara*. The keys or diagrams, Nos. 1 and 2, are here annexed.*

The first representation is totally inconsistent with the statements even of Commodore Perry's witnesses, and with his official report, and much more with those of the officers of the *Niagara*, and is fitted to give impressions utterly erroneous. A sketch or diagram of the battle was laid before the Court of Inquiry at New York, in 1815, and sworn to as correct by Messrs. Yarnall, Webster and Montgomery, and contradicted by no one. Its truth is therefore established. It represents the wind as South-East, and the two squadrons as sailing in *parallel* lines, about six points from the wind, or South-West by South. The diagram in the Monument represents the British squadron as sailing in line, and the American as bearing

* Appendix II.

down upon it in an angle of about *twenty-five degrees*! All Commodore Perry's witnesses state that the American squadron went into action in the following order; the Scorpion, Ariel, Lawrence, Caledonia, Niagara, Somers, Porcupine, Tigress and Trippe. Mr. Breese says that the Ariel and Scorpion gallantly followed the example of the Lawrence in going into close action. Mr. Webster says they were on the weather bow of the Lawrence, which, with the wind South-East, and the course South-West by South, would place them at the head of the line, a little to windward. No one has intimated that they were not engaged, or guilty of the slightest remissness at any period of the action; whence it is to be presumed that they were near the enemy. Besides, being at the head of the line at the commencement of the action, they had the wind equally with the Lawrence, and if disposed, could have got as near as that ship to the enemy. Furthermore, Mr. Montgomery says that the British schooner Chippeway took her position at the head of the line *after* the commencement of the action, apparently for the purpose of engaging the small vessels at the head of our line. In this diagram they are represented as far, very far to windward, more distant from the head of the British line than any ships excepting the Tigress and Trippe, and more distant from any part of the line than those two from the stern of it. They are even more distant from the Niagara, Lawrence and Caledonia, than either of those ships from the enemy. Mr. Montgomery says that when Commodore Perry boarded the Niagara, the Lawrence was nearly astern of her, on her lee quarter, which would place the Niagara at the head of the line, somewhat to windward; and that the Niagara was then with her helm up, bearing down upon the enemy, firing all her starboard guns, and mostly upon the Detroit. Mr. Adams says that

when Commodore Perry came on board, the helm was up, and she was bearing down upon the enemy. Mr. Tatem, says the same, and adds that when the Niagara passed the Lawrence, she merely took room enough to pass to windward. According to this, the Niagara was actually nearer to the enemy than the Lawrence, when boarded by Commodore Perry. The diagram represents the Lawrence at the head of the line, and the Niagara far off, on the weather *quarter*, not the weather *bow*, of the Lawrence. It also represents the Niagara as standing on her wind, instead of bearing down, a position that is directly contradicted by every witness before the Court of Inquiry; they all saying that the Lawrence *did not* bear down, leaving the Niagara standing on to windward. This diagram represents a sailor swimming from the Lawrence to the Niagara. The object of this fabrication is inconceivable, unless to show that the Lawrence, fighting the whole British squadron "upwards of two hours within canister distance," was torn to pieces, and her crew obliged to swim for safety. No such incident occurred, and the reader might come nearer the truth by supposing this figure of a sailor to be the motto flag, which Commodore Perry took under his arm on leaving the Lawrence, and which Mr. Magrath picked up afterwards.

The second engraving, like the first, exhibits a great departure from the truth. The order of the British squadron was thus; the Detroit, Lady Prevost, Queen Charlotte, Hunter. Afterwards the Queen Charlotte was ahead, the order being the Queen Charlotte, Detroit, Lady Prevost and Hunter. In this diagram the order is the Lady Prevost, Detroit, Queen Charlotte and Hunter. At the commencement of the action, the Ariel and the Scorpion were at the head of the line, a little on the weather bow of the Lawrence, did not deviate much from this

position during the whole of it, and at no time fell in the rear. The diagram places them in the rear of the whole line. The Trippe was in the rear of the line from the beginning to the end, though in close action towards the close. In the diagram it is at the very head, engaging the Lady Prevost. It is difficult to conceive the object of these alterations, this shifting of the Lady Prevost and Trippe from where they were to where they were not, excepting for the purpose of giving the Trippe an opportunity of distinguishing itself. It is certainly amusing to see the little sloop Trippe, with her one gun, in close action, single handed, with the great schooner Lady Prevost, of 13 guns and a swivel. Commodore Barclay says that her guns were 12 pound carronades, which, with the allowance usually to be made for British accounts, would show them to be long 12's, or perhaps 24 pound carronades; a battery rather formidable against a gun boat in close action. The Trippe must have had a hot time of it!

The three diagrams annexed, Nos. 3, 4, and 5,* represent the positions of the squadrons at three different periods of the action. The first represents the commencement of the action, the wind South-East, the course of both squadrons about South-West by South, the Lawrence a half point abaft the beam of the Detroit, and the other American ships having the same relative bearing to the other British ships. The second represents the Niagara in close action at the head of the line, where she was carried by Captain Elliott, the Lawrence astern, disabled, and Captain Elliott passing along the line in a boat, to bring up the gun boats. This view directly contradicts the statements of Commodore Perry's witnesses, that the Niagara, when boarded by Commodore Perry, was far off to windward. The third represents

* Appendix H.

Commodore Perry in the Niagara, bearing up ahead of the Detroit and Queen Charlotte, preparatory to passing through the line, and Captain Elliott with the small vessels in *close order* and *close action*, firing upon the heavy British ships. The reader, on comparing these diagrams with those in the Naval Monument, and with all the testimony introduced, will perceive that they are totally irreconcilable with such diagrams, and with the statements of Messrs. Turner, Parsons, Stevens, Forrest, Champlin, Breese, Brownell and Taylor; and fully corroborated by those of Messrs. Webster, Montgomery, Adams, Tatem, Smith, Magrath, Edwards, Barton, Brevoort, Nichols, Conklin, Page and Berry.

CHAPTER XI.

Battle of Lake Erie. Conduct of Captain Elliott. Mr. Magrath. Motto flag

WE have now introduced and commented upon all the testimony on both sides ; and the reader will naturally ask himself *what has been proved ?* He will recollect that, the object of Commodore Perry was to prove that while he fought the whole British squadron with the Lawrence alone, " upwards of two hours within canister shot distance," Captain Elliott, either from cowardice or treachery, kept the Niagara beyond the reach of shot, and that she was not engaged till he, Commodore Perry, brought her into close action ! But the reader will perceive, from carefully comparing the whole testimony, that the Lawrence *never was* in close action, and that the Niagara got nearer to the enemy before Commodore Perry boarded her, than the Lawrence had been. Commodore Perry admits that no signal for *close action* was given till *after* Captain Elliott " was enabled to bring his vessel, the Niagara, gallantly into close action ;" and as he was commander, prescribed the order of battle, and was in the headmost ship, with the weather gage, no ship could have got into close action sooner than the Lawrence, without altering the arrangement or deviating from the line. It is not to be supposed that any of the commanders of the smaller vessels would assume this responsibility. The Somers, Porcupine, Tigress and Trippe were too far astern ; and neither Lieutenant Turner of the

Caledonia, Mr. Champlin of the Scorpion, nor Mr. Packet of the Ariel, would make any such pretensions. If the order of battle were altered at all by any other officer than Commodore Perry, it must have been done by Captain Elliott, as he, being second in command, the only Captain in the squadron excepting Commodore Perry, and commanding a ship of equal force with the flag ship, was the only officer that would venture upon such an expedient. All the other commanders then, excepting Captain Elliott, must have obeyed their commander; and if the signal for close action was given, as Commodore Perry says, "at 45 minutes past 2," or 15 minutes *after* "Captain Elliott was enabled to bring his vessel, the Niagara, gallantly into close action," it follows that no vessel, excepting the Niagara, was in close action before the signal was given, and that Captain Elliott went into close action without a signal, and upon his own responsibility. This is confirmed by Lieutenant Holdup in his letter to Colonel Stevens, for he there says that the signal for close action was given by Commodore Perry *after* boarding the Niagara.

Thus is overthrown the main position of Commodore Perry! Thus is refuted the broad and positive assertion of his witnesses, that he carried *his* vessel into close action, while Captain Elliott "*continued to hug the wind.*" They have *hugged the wind*, or something equally unsubstantial, by continuing to *hug* such a groundless delusion!

But if the Lawrence were not in *close action*, how came she so shattered, while little damage comparatively was done to the Niagara? This resulted from two causes, the long guns of the Detroit, and the plan of the British commander. The whole armament of the Detroit consisted of long guns, which reached the American ships long before the carronades of the latter could reach the enemy. The plan of Commo-

dore Barclay, a plan which evinced his nautical skill, was to destroy our two brigs successively ; by which the smaller vessels would have fallen an easy prey. In pursuance of this, the long guns of his squadron generally, and the whole armament of the Detroit, were directed at the Lawrence ; and she was consequently disabled and *compelled to strike*, while the Niagara and others were comparatively uninjured. This plan was the best, under the circumstances, that could be adopted ; for though the British Squadron contained 63 guns and the American only 54, yet the former consisted of only six ships, while the latter consisted of nine. This latter circumstance rendered the American squadron superior in close action ; and its carronades, carrying heavier balls than the British long guns, increased this superiority. To obtain the weather gage was of the utmost importance to the Americans, as it enabled them to choose a short distance ; and to keep at long shot was equally important to the British, as it enabled them to do execution in comparative safety. Commodore Perry, perceiving that while his carronades did not reach, the British were putting their balls into his ship with a sure and steady aim, saw that his only chance of victory was to close without delay. Commodore Barclay, doubtless anticipating his plan, began to fire 10 minutes sooner than he ; and afterwards perceiving that he was making every exertion to close, and with the advantage of the wind would soon close, saw that no time was to be lost, and therefore directed nearly the whole fire of the squadron upon the Lawrence, hoping to destroy her before our shot could reach, and then turn his whole fire upon the Niagara, and thus capture the whole. Hence the Detroit fired wholly, and the Lady Prevost and Hunter principally, upon the Lawrence ; and hence the *Queen Charlotte*, after firing a few guns upon the Niagara, pushed ahead

and fired upon the Lawrence. Hence also the British long guns were directed to the hull of the *Lawrence*, and the carronades of the *Queen Charlotte*, insufficient for piercing the hull, were directed to the rigging of the *Niagara*. Commodore Perry believed this ; for in his letter to Captain Elliott of September 18, 1813, he says, "I shall ever believe it a premeditated plan to destroy our commanding vessel." This plan, so judicious for the British under existing circumstances, nearly succeeded ; for the flag ship was captured, and Commodore Perry went on board of the *Niagara* in despair.

What frustrated this plan ? Aye ! What saved three fleets and "General Harrison's army," compelled the whole British squadron to surrender, and General Proctor to retreat from Amherstburgh for want of supplies ? The skill, the courage, the constancy of Captain Elliott ! His skill, which told him the necessity of changing Commodore Perry's order of battle, and ordering the *Caledonia* out of the line ; his courage, which led him to assume the responsibility of a measure so bold ; and his constancy, which sustained and nerved him under difficulties that reduced Commodore Perry to despair. Had he continued astern of the *Caledonia*, in the position indicated by Commodore Perry, the *Lawrence* would have been captured first, as she was ; the *Caledonia* next, which would have been a short job ; and the *Niagara* in turn would have received the whole fire of the British, and been captured also. After this, the fate of the rest was certain. But Captain Elliott, by ordering the *Caledonia* astern, advancing and pouring a heavy fire into the *Detroit*, *Queen Charlotte* and *Lady Prevost*, while they were firing upon the *Lawrence*, greatly injured them while they were disabling her. Commodore Perry's witnesses complain that he passed to windward of the *Lawrence*,

instead of passing to leeward of her, and thus left her exposed to the whole fire of the British. If they are sincere in this complaint, as they doubtless are, *they* would have directed the Niagara to leeward in this case. Their opinion would be like the advice of Parmenio, who, when Darius proposed terms much less advantageous than Alexander was sure of obtaining, said, "If I were Alexander, I would accept those terms;" to which the king replied, "so would I if I were Parmenio." Fortunately for the nation, Captain Elliott differed in opinion from the witnesses of Commodore Perry. He once thought of passing to leeward and breaking the British line; but on consulting with Mr. Magrath, an officer of great coolness and judgment, he came to the just conclusion that such a movement would be destructive. Had he done so, the British would have had the weather gage of him, would have left the Lawrence, then much crippled, and the Caledonia of only 3 guns, poured their whole fire upon the Niagara, and inevitably destroyed or captured the whole squadron. But believing the two headmost ships to be much crippled, he perceived that the only chance of victory was for him to keep the weather gage, proceed ahead and aid the Lawrence. When he saw the Lawrence disabled, he still pursued the same plan, passed still ahead *on the weather gage*, and bore down upon the headmost ships of the British line. At this critical period, Commodore Perry boarded the Niagara *in despair*, exclaiming in the bitterness of feeling so natural under the belief of defeat, and of such a defeat, "The damned gun-boats have ruined me, and I fear they have lost me the day." Poor gun boats! Is the prejudice against ye, originating in hostility to Mr. Jefferson, never to wear out? Are ye ever to be a by-word and a reproach, and the scape goat for every nautical sin, because the act of Congress for building

ye was recommended by one of the great apostles of republicanism? Ye were unmercifully ridiculed! And so were dry docks! Such dry docks as are to be found in the Navy Yard at Charlestown. But what would have been the consequences, had Captain Elliott participated in the despair of Commodore Perry, "damned" the gun-boats also, and assented to the remark that they had lost him the day? The commander's despair would have been deeper still; a consultation would have followed about *stopping the effusion of blood and saving the lives of so many brave men from unavailing sacrifice*; the "Star Spangled Banner" would have been hauled down from the Niagara, and from every other ship; and the country, instead of rejoicing in a glorious victory, would have mourned over a disastrous defeat. A Court of Inquiry would have been held, and every citizen who felt for the honor of the navy, would have made the most of the sick list, the number of inefficient seamen on board, the lightness of the wind, the bursting of the Ariel's gun, the superiority of the British in number and length of guns, and every thing else, great and small, that could be tortured into an excuse; and the public would have dismissed the affair with the consolatory reflection that every thing was done which could have been done, to save the honor of the flag.

But this catastrophe was averted *solely*, SOLELY by the constancy and firmness of Captain Elliott. Instead of quailing under the difficulties of the moment, and admitting that the day *was* lost, he exclaimed with resolution which "the noblest Roman of them all" might have envied, and to which Rome, in the best days of *her* republic, would have erected statues, "No, Sir! it is not lost! My ship is now in a judicious position! Take charge of my battery, and I will bring them up and save it!" AND HE DID BRING

THEM UP AND SAVE IT ! Then he displayed the resources of a fertile and energetic mind, rising higher and growing stronger as difficulties multiplied. Then he evinced that self-possession, that control of faculties, which enables a commander to avail himself most of his resources when they are most wanted. He suggested the expedient, aye ! he did not receive from Commodore Perry the order, but he suggested to him the expedient of bringing up the small vessels, while the fire of the rest was continued ; an expedient to which Commodore Perry most readily, most joyfully assented, and which he mentioned in his official report in the ambiguous, the mysterious phraseology of an *anticipation of his own wishes*. He would have shown as much candor by mentioning himself as *assenting* to a project of Captain Elliott, and not Captain Elliott as *anticipating* one of his own. He said to Commodore Perry, " My ship is now in a judicious position ; take charge of my battery, I will bring up the small vessels, and victory will still be ours." He then got into the very boat in which Commodore Perry had just come from the Lawrence, proceeded along the line to the Somers, the Porcupine, the Tigress, the Trippe, hailed each as he passed, ordering him to cease firing, to get out his sweeps immediately, to proceed with all haste to the head of the line, then leaving the small vessels, to direct all his fire upon the large ships of the enemy ; for they being captured, the small ones would fall of course. He then returned to and boarded the Somers. Here the first object that he encountered was Sailing Master Almey, the commander of that vessel, in a state of helpless intoxication ; and on looking down the hatchway, he perceived a bottle upon the table. With a severe reprimand, he instantly ordered Mr. Almey below, and told Mr. Nichols, the second officer, to take his place ; and then, as Mr. Nichols says, " ordered

the round shot to be drawn from the guns, to be replaced by grape and canister," and for the purpose of firing at close quarters. Mr. Thomas Holdup Stevens confirms this, for in his letter to Col. Daniel Stevens,* he says, "the smaller vessels got out all sweeps and made sail."

Mr. Taylor dwells emphatically upon the gallantry of Commodore Perry in going from the *Lawrence* to the *Niagara* in an open boat, exposed to the enemy's fire. The gallantry of the act is admitted; but while Commodore Perry is applauded for his bravery in going in an open boat about thirty yards, why should Captain Elliott be accused of cowardice for going in the same boat more than ten times the distance? If, as has been insinuated, his object were to get beyond the reach of shot, he would have boarded the *Trippe*, the most distant of the small vessels. Instead of this, he proceeds to and gives his orders to the *Trippe*, returns along nearly the whole line of small vessels and boards the *Somers*, the nearest but one to the enemy; thus not only prolonging his exposure in the open boat, but finally boarding one of the small vessels most exposed to danger. Nor is this all. None of the small vessels were beyond the reach of shot, and in passing along their line in an open boat, he was more exposed to danger than when on board of the *Niagara*. Mr. Taylor intimates that Commodore Perry, in an open boat, was a mark for the enemy. This is doubtless true; for as every commanding officer carries a glass, and as Commodore Perry wore his fatigue uniform, the British officers could not avoid seeing the boat, and recognizing him for an officer; and taking for granted that this extraordinary movement had some important object, they would be particularly careful to frustrate it by firing upon the boat. But this is equally applicable to Captain Elliott in the

* Appendix F.

same boat. He too wore his uniform, and the British officers, seeing with the naked eye a boat passing along the American line, would instantly consult their glasses; and perceiving an officer's uniform, would either divine the object, or take for granted that some object was in view which they ought to frustrate, and would therefore order a fire upon the boat. *This was done!* The enemy *did* fire upon the boat! Before Captain Elliott reached the lower extremity of the line, he was completely drenched with water thrown upon him by the balls which struck around the boat; and though he left the Niagara with *six* oars, he got back to the *Somers* with *three*, the others having been knocked out of the hands of the boat's crew by the enemy's shot. Besides, his breath was frequently taken away by the near passage of balls. This effect of cannon balls is familiar to military men; the ball, in driving the air before it as it passes, producing a vacuum behind it, into which the surrounding air rushes, creating a momentary vacuum in the lungs, and consequently a momentary suspension in the respiration, of those very near. Thus did Captain Elliott, upon his own responsibility, without waiting for directions from Commodore Perry, change the order of battle, and by an entirely new arrangement, **GAIN THE VICTORY OF LAKE ERIE!** Commodore Perry's arrangement was for each ship to engage a ship of the enemy, the Lawrence leading the van and the Caledonia following next. Captain Elliott altered this plan by first taking the place of the Caledonia, and then passing to the head of the line. After Commodore Perry boarded the Niagara, he made the signal for *close action*, or rather *closer action*, meaning that each ship should close with its opponent as already prescribed before the battle. Captain Elliott altered this arrangement, by ordering the small vessels to *cease* firing upon the small vessels of the ene-

my, to proceed directly to the head of the line, and fire exclusively upon the large ships.

It is now proper to mention Mr. Magrath, who, as Commodore Perry says in his official report, "had been despatched in a boat on service previous to my getting on board the Niagara." Captain Elliott, having fired away a large portion of his shot, sent Mr. Magrath in a boat to the Lawrence for more; that vessel being disabled, and having no use for what shot remained. Mr. Magrath executed this commission with the utmost despatch, and in returning to the Niagara with his boat load of shot, picked up Commodore Perry's motto flag! It is not to be supposed that Captain Elliott went into the battle without shot; and as his carronades were of much larger calibre than his two long guns, he must have had sizes proper for each. If then he exhausted his supply of shot before Commodore Perry boarded the Niagara, he must have fired something more than his long guns, unless the shot of a 32 pound carronade can be fired from a long 12; and even admitting *this*, he must have fired his two long 12's very rapidly, to exhaust a provision of shot intended for eighteen 32 pound carronades. This single fact of Captain Elliott's having sent Mr. Magrath to the Lawrence for shot, completely refutes all that is said by Commodore Perry's witnesses about his keeping at a great distance from the enemy. The Niagara must have had a supply of shot equal to that of the Lawrence; for it is not to be supposed that Commodore Perry would be so negligent of his duty as commander, as to leave any one of the ships insufficiently equipped with any thing that could be obtained; and it has never been suggested that the supply of shot was insufficient for the fleet. Neither could Captain Elliott, nor any officer of the Niagara, have any motive or object in making to the commander a false return of her pro-

vision of shot. Either then Mr. Magrath was not sent on any service, or was not sent for shot, or the supply of the Niagara was not exhausted, or the guns of that ship were fired more frequently than those of the Lawrence. That Mr. Magrath was sent in a boat for something, is admitted by Commodore Perry in his official report. The object of his mission is not stated in this report, which, as before said, was due to Mr. Magrath. The explanation of Captain Elliott is therefore to be received, in the absence of any other; which is that Mr. Magrath was sent to the Lawrence for more shot. Why should this be done, unless the supply of the Niagara were failing? It is not to be supposed that in an engagement where the services of every officer and man were required, Captain Elliott would despatch a brave and efficient officer and a boat's crew upon a mission entirely useless; for this would be a species of trifling with valuable lives, for which, as he well knew, he would be called to account before a court martial. The supply of the Niagara must then have been failing; which proves, not only that Captain Elliott did all that could have been done in firing the guns of the Niagara, but that he fired more than Commodore Perry did in the Lawrence. This difference, while it thoroughly vindicates Captain Elliott from the charge of inactivity, can be explained without disparagement to Commodore Perry. As before said, in pursuance of Commodore Barclay's plan, the Lawrence was disabled while the Niagara was comparatively fresh. In the progress of this fire of nearly the whole British force upon the Lawrence, gun after gun was dismounted; and according to Mr. Taylor, the action was continued by the Lawrence "till only one gun could be fired, at which Captain Perry assisted himself;" and according to Commodore Perry's official report, "till every gun was rendered useless." Thus the guns

of the Lawrence being successively dismounted, while those of the Niagara were in active operation, the former might have discharged but few shot, while the latter almost exhausted her magazine.

In returning to the Niagara with his boat load of shot, Mr. Magrath picked up the "motto flag." He was despatched to the Lawrence about the time that she dropped out of the line ; for the fact of her being disabled from firing suggested to Captain Elliott the idea of sending to her for the shot which she could no longer use. At the same time Commodore Perry left her to board the Niagara ; and the boats of the two, proceeding to their respective destinations in the shortest line of direction, probably passed very near each other. According to Lieutenant Thomas Hold-up, Commodore Perry left the Lawrence "with gallant Lawrence's motto of '*Dont give up the ship*' under his arm." If he should throw it overboard on his way to the Niagara, it would naturally float some where near the course of Mr. Magrath in his passage to or return from the Lawrence, and the probabilities would be in favor of his finding it. He did find it, and carried it on board the Niagara. Commodore Perry saw it there after the battle, inquired how it came there, and was told how by Mr. Magrath. He then proposed to hoist it upon the Niagara, but abandoned the project upon Captain Elliott's suggestion to the contrary. It may well be supposed that Captain Elliott was not very desirous of having a flag hoisted on *his* ship, which had been hauled down from a ship that *had been given up*.

CHAPTER XII.

Causes of the dispute between Commodore Perry and Captain Elliott.

IT being proved, and doubtless to the satisfaction of every candid reader, that Captain Elliott, instead of misbehaving, was chiefly instrumental in gaining the victory of Lake Erie, the origin and motives of this attack upon him should now be explained. That Commodore Perry was not always hostile to him, is proved, not only by the official report, but likewise by a letter which he wrote to Commodore Chauncey shortly before the battle. Captain Elliott was then upon Lake Ontario, second in command to Commodore Chauncey, and held a high reputation upon the Lakes for resolution and energy. His capture of the *Caledonia* and destruction of the *Detroit* about a year before, was regarded as a signal instance of intrepidity, judgment, perseverance and activity; and no officer upon the Lake more fully accorded to him these qualities, than Commodore Perry.

So fully impressed was he with the belief that Captain Elliott was the very man for his purpose, that he wrote to Commodore Chauncey, "send me Captain Elliott and one hundred men, and I will engage to beat the British." Captain Elliott must then have earned, in some way, a high reputation for skill and courage, to inspire such hopes in Commodore Perry; for though *cowards* may pass unsuspected because they have never been tried, they have never yet been known to acquire a character for extraordinary gal-

lantry. This quality must have some other foundation than mere supposition. It must be founded upon *fact*; and whoever would gain a reputation for heroism, must *do* something to deserve it. He must *do* something more than merely *abstaining* from cowardice. What Captain Elliott had done, has already been mentioned. When this request of Commodore Perry was communicated to him, he consented to go, upon condition of returning to Lake Ontario immediately after that victory should be achieved, of which Commodore Perry seemed so confident. Something extraordinary must have occurred *afterwards*, to turn all this milk of good will into gall, to convert respect and friendship into the most violent and unrelenting hatred. The cause is not beyond reach, and shows how small a matter may kindle a great fire. Soon after the battle, the subject of PRIZE MONEY was started among the officers; for these gallant fellows, in a vocation where cannon balls are more plentiful than dollars, where death or mayhem is a harvest more common than wealth, where an annual stipend of a few hundreds, is not an exorbitant compensation for long days of hard labor, long nights of weary watching, for exposure to lightning and tempest and pestilence and fire and steel, may be allowed to exult over a windfall as well as those who earn their thousands more easily. They doubtless rejoiced in the thought that besides the rich harvest of fame and public applause which they had reaped with their swords, they should infuse a little more vitality into their not too plethoric purses. In the discussions and remarks so natural upon this subject, a question was raised about the claim of the officers of the Lawrence to participate in the golden harvest. Some one suggested that as they had surrendered their ship, they could not be reckoned among the victors. It was further suggested that not only was their vessel cap-

tured by the enemy, but recaptured by the rest of the squadron ; and consequently that not only were they to be excluded from any share in the prize money due for capturing the British squadron, but also that the captors were entitled to prize money for recapturing the Lawrence. These discussions excited much irritation ; for among men sensitive upon the subject of military honor, they were well fitted to produce heart-burnings and jealousies. The officers of the Lawrence were smarting under the reflection of having surrendered their ship to an enemy, who was completely beaten by their brethren of the fleet a few minutes afterwards. The officers of the Niagara, contending that after the surrender of the Lawrence, *their* ship bore the brunt of the battle, and *their* commander, by new manœuvres and new arrangements, turned the fortune of the day, were incensed at the claim of the officers of the Lawrence to participate in spoils which they had not won. An angry controversy was the consequence. Captain Elliott then interposed, and earnestly enjoined upon his officers to abandon such claim, saying there was glory and prize money enough for the whole fleet, and that it would be discreditable both to the Navy and the country, for the officers to quarrel about the spoils so soon as they were won. Commodore Perry likewise exerted himself to restore harmony ; and by their united efforts, the dispute about *prize money* was ended. It was in the course of his efforts to allay this dispute, that Captain Elliott made the remarks to Mr. Champlin which the latter has mentioned in his affidavit, but the spirit and meaning of which, after a lapse of five years, he seems to have forgotten. He makes Captain Elliott positively assert that the officers of the Lawrence were not entitled to prize money, while in fact, he stated this as a claim made by the officers of the Niagara, and from which he dissuaded them. An

explanation of this was promised in the comments upon Mr. Champlin's testimony.

But though the dispute about prize money was allayed, the discussions about the various incidents of the battle, and the respective merits of the officers, were not so easily prevented. The battle was fought over again, every circumstance of it was freely canvassed, and the claims of the two Captains minutely compared. The alarm of Captain Perry was then excited; for though in a moment of spontaneous feeling, he had said to Captain Elliott as he returned from the Somers, "I owe this to you," yet upon subsequent reflection, he became apprehensive that the public would respond affirmatively to this declaration. He feared that the country would ascribe the victory to Captain Elliott, and consequently would censure himself for having nearly lost it. He was conscious of having been rescued from embarrassing difficulties by the skill and energy of the second in command; and like most men who are very solicitous of applause, and yet feel that they have done less to deserve it than others, he was extremely jealous of public opinion. He therefore wrote an official report, in which, while he mentioned some of the principal events, and awarded to Captain Elliott a high degree of indefinite praise, he seems to have avoided a clear and distinct description of the battle. The account is certainly very confused and perplexed, and no careful reader could derive from it any very distinct ideas of what actually occurred. He had then no desire to detract from the merit of Captain Elliott. On the contrary, he wished for that officer a full share of honor as *second* in command, but at the same time, desired a full share for himself as *first*. He of course wished that the public, in recurring to the victory of Lake Erie, should recur to himself as the most conspicuous personage in it. He

desired for it the cognomen of *Perry's victory*, and not that of *Elliott's victory*.

In the mean time, increasing jealousies among the officers led to the circulation upon the frontier, of reports injurious to the fame of Captain Elliott. These were doubtless the reports to which Mr. Turner alludes as current in General Harrison's army, and which were carried there by the enemies of Captain Elliott. According to the Naval Monument, page 93, Boston edition, of 1816, these reports were invented by "an officer on board the *Lawrence*, and a volunteer on board the same vessel." The officers of the *Lawrence* who survived the battle, were Messrs. Yarnall, Forrest, Parsons, Taylor, Hambleton, Breese, Claxton, and Swartwout. If the statement in the Naval Monument be correct, the honor of this invention would seem to belong to some one of these officers, and each of the survivors among them can tell how far he was concerned. If there were any other officers on board of the *Lawrence*, their names are not now recollected. Being informed of these reports, Captain Elliott promptly and confidently appealed to Commodore Perry for a contradiction of them, as already mentioned, and received in reply, the explicit and decisive letter of September 18, 1813; for Commodore Perry, whose mind had not then been poisoned by fabrications, who had not then been seduced into the belief that Captain Elliott could be guilty of false or perfidious conduct, was indignant at any attempt to wrest from him his well-earned laurels.

But the officers of the *Niagara*, though dissuaded from their claim about *prize-money*, were not so easily disposed to surrender the claims of their commander to the largest measure of applause. They were dissatisfied with the official report, for they thought that it did not do justice to Captain Elliott;

and for the purpose of expressing their own feelings upon the subject, they addressed to him the letter of September 19, 1813. In the mean time the official report had been despatched, and letters from the officers of the different ships, containing accounts of the battle, were sent about the country to their respective friends. As disputes had already occurred, and prejudices had already been excited, the accounts in some of these letters very naturally derived a coloring from the prejudices and prepossessions of the authors; and each of the two Captains was represented by his partisans as the hero of the day. Some of these accounts, awarding to Commodore Perry the chief merit of gaining the victory, or accounts founded upon them, were published in some of the newspapers, and were not a little corroborated by the official report, published throughout the country about the same time. These partial statements, travelling back to Lake Erie, very naturally excited the resentment of Captain Elliott's officers, who inferred from them that their commander might have suffered in reputation, or did not receive due praise at Head Quarters. Under these feelings they addressed a special communication to the Secretary of the Navy, their letter of October 13, 1813.

The officers of the *Lawrence* being apprised of this communication, the divisions in the fleet became more violent than ever. Two distinct parties were now formed, and upon the comparative services in the battle, of the officers of the two large ships; those of the *Lawrence* awarding the palm to Commodore Perry, and those of the *Niagara* to Captain Elliott. Each party felt the necessity of giving a reason for its faith. With the partisans of Captain Elliott, this was not very difficult, his proceedings having been manifest to the whole fleet. With the others it was somewhat more embarrassing, they having "*given up*

the ship." The officers of the Lawrence, continually brooding over the angry feelings already kindled, and both astonished and mortified by the reflection of having surrendered their vessel, and of its being afterwards recovered, chiefly by the efforts of the Niagara, felt that their friends and the public would require an explanation of this capture and recapture. "Why did you surrender your ship? Why did you not, after you were crippled, merely drop astern and keep your colors flying? The Niagara was then ahead of you, firing with tremendous effect upon the heavy ships of the British squadron. At the very moment when she passed you, the Detroit was lowering her boats to take possession of you, and the first broadside from the Niagara after this, put an end to that project. A few short moments more, and your flag would have been saved! Your ship was not sinking, for she did not get into harbor till next day. If no other consideration could induce you to hold out, you should have thought of the effect which your surrender might have upon the rest of the fleet. Your ship carried more than one third of its guns, and constituted nearly one half of its effective force. The officers and men of the four small vessels astern, and of the two ahead, thus seeing nearly one half of the force surrendered, might have been disheartened, and hauled down their flags. Those of the Caledonia and Niagara, thus finding themselves alone, might have thought the day was inevitably lost, and that nothing was left to them but to surrender likewise. Thus your surrender might have produced a panic that would have caused the loss of the whole fleet. Duty to your country therefore required that you should display your flag to the last moment, and even to sink with it flying, rather than set an example that might have resulted so disastrously. Why did you not hold out a few moments longer?" Language like this began to ad-

dress itself to their imaginations; and though conscious of having fought while a gun was left, they felt that it would be difficult to satisfy the public that they were not in fault for surrendering. They thought that the public would say, "there was fault somewhere," and that unless they could show it to be elsewhere, it would be imputed to themselves. They recollected that for a time, they received most of the enemy's fire; and either overlooking or not comprehending the plan of Commodore Barclay to destroy or cripple the two heavy ships in succession, they could not conceive how they should be the only mark for the enemy, if the other ships were near enough to be reached. The gun boats, they well knew, were prevented from getting up; and if the Niagara should also be distant, the cause of their sustaining the whole fire of the British, and of being obliged to yield to it, was manifest, and a satisfactory explanation was furnished.

The hypothesis being clear, the next step was to prove it. Men sometimes readily believe what they wish, and are too apt to wish ill towards those whom they dislike. Captain Elliott was no favorite among the officers of the *Lawrence*. Mr. Nichols says that many of the officers on Lake Erie were his enemies, and from a belief that he was too severe as a disciplinarian. That he was strict, not only in performing his own duty, but in requiring others to perform theirs, is true; for he has ever been zealous to promote the welfare of the Navy. That many of the officers were highly dissatisfied with him on this account, is highly probable; for they were mostly young men, and young military men are generally impatient of restraint, and less disposed to admit its utility than those whose judgment is maturer. This state of feeling was a fit preparation for the sentiments that were afterwards excited among the officers of the *Lawrence*. Believ-

ing that the country would censure somebody for the capture of their ship, unconscious of any want of courage or effort in themselves while their ship was engaged, and disliking Captain Elliott, they came to the conclusion that on his shoulders would the censure rightly fall. With prejudices strongly excited against him, they continued to view his whole character and conduct through the discolored medium of such prejudices, until they actually believed that their own ship was captured because the Niagara rendered them no assistance, and that until Commodore Perry boarded her, she was actually kept aloof from the battle. A reason for this was the next point necessary, and no other could be imagined that involved any misconduct, excepting the *cowardice* of her commander, or his treacherous desire to sacrifice the Lawrence, and then gain the victory with his own ship. Men oftentimes dwell upon and repeat the creations of their own fancies, until they come to believe them as matters of fact. They therefore thought that the Niagara was not in close action, nor engaged at all, excepting at long shot, until boarded by Commodore Perry; that this was owing to the misconduct of Captain Elliott, and that this misconduct was proved by the fact that the Niagara was not in close action; and that thus was furnished a satisfactory excuse for the capture of the Lawrence! Here then was the hypothesis, and here was the proof.

The mind of Commodore Perry, hitherto free from suspicion against Commodore Elliott, was now in a fit state to be perverted. As before said, he was alarmed for his reputation *as the hero of Lake Erie*. These discussions among the officers might spread through the country, and lead to discussions in the newspapers. Facts would be stated, arguments would be urged, and conclusions be drawn; and a voice within told him that while full credit would be award-

ed to him for gallantry and patriotism, yet the palm for judgment and fertility of resource was due to Captain Elliott. The consequence would be a division of the glory between the two Captains, and possibly an eclipse of the first by the second. To prevent this without robbing the second, was of vital importance to the first, and any measure of prevention, to be effectual, must be speedily applied. An artist was then employed to make and engrave the two drawings of the battle which have already been mentioned, and which were published in the Naval Monument. These engravings circulated extensively, and were to be found in almost every tavern and barber's shop in the Union. About the same time, Lieutenant Forrest went to Washington with despatches for the Secretary of the Navy from Commodore Perry, and carried with him the "Motto Flag," to be deposited in the Navy Department, and this circumstance was fitted to aid the belief which the drawings tended to propagate, that the merit of the victory was chiefly due to him. About the last of October, 1813, Commodore Perry left the Lake for Washington, and passed through Newport on his way. His suit in this journey, according to the Naval Monument, consisted of his brother, Lieutenant Perry, and the four sailors who rowed him from the Lawrence to the Niagara. This little incident also tended to fix the public gaze upon him as *the hero of Lake Erie*. Next appeared his portrait, enveloped in this "motto flag," which tended additionally to connect him with the victory, in the public mind, as the principal actor. While all these incidents were occurring, perhaps by accident, and while these little scenes were acting, perhaps with no design, but certainly with a tendency to entrap the public applause, and the public acknowledgment that Commodore Perry was *the hero of Lake Erie*,

where was Captain Elliott? He was on the Lake, doing duty as commander of the fleet.

A few weeks after Commodore Perry's arrival in Washington, appeared the report of the Secretary of the Navy to the chairman of the Naval Committee of the House of Representatives, and the resolution of the House, requesting the President to cause gold medals to be struck and presented to Captains Perry and Elliott. *This report and this resolution were decisive with Commodore Perry!* They are co-eval with a spirit of hostility against Captain Elliott which pursued him through the remainder of his life, continually gaining strength as it grew older. This resolution was the only instance *then* on record in the annals of naval warfare, in which *equal* honors were decreed by a government to the *first* and *second* in command, and

Hinc illæ lachrimæ !

"These honors," thought the commander, "cannot bear division." As was before said, this act of the Government was intended for the protection of Captain Elliott. They were fully apprised of what had occurred on the frontier, both during and after the battle, saw distinctly the object and tendency of Commodore Perry's movements, had received Captain Elliott's request for an investigation, and being convinced that something was due to him, preferred as a method of awarding it, a complimentary resolution to a Court of Inquiry. The jealousy of Commodore Perry being now roused, efforts were not wanting to seduce him into a belief of Captain Elliott's alleged misconduct. The officers of the Lawrence were mostly from the native State, and even the native town of Commodore Perry; and his mind being now in a condition to imbibe prejudices, it would receive them more readily from his fellow townsmen than

from any other persons. These officers had long since got to believe, and to repeat as matters of fact, the suggestions of their own fancy ; and Commodore Perry, in his existing state of feeling against Captain Elliott, needed no very powerful logic to induce a participation in their belief ; and he having now adopted their hypothesis, he and they continued, by frequent interchange of opinions and feelings upon the subject, to confirm the belief of each other. After this, the friendly intercourse of the two captains ceased ; Commodore Perry cherishing his animosities against Captain Elliott, and the latter sometimes, when questioned upon the subject, giving a detail of the events on Lake Erie according to his own recollection of them.

In 1815, the proceedings of the British Court of Inquiry upon the loss of Commodore Barclay's squadron, appeared in the United States, and were immediately noticed by Captain Elliott in a request for an investigation. His leading motive to this request was doubtless the misrepresentations in circulation concerning him ; misrepresentations which a Court of Inquiry would confute, and of which he had long before sought an investigation. A Court of Inquiry was then sitting at New York, and this British report gave him an amply sufficient pretext for bringing his case before it ; for though the Secretary of the Navy thought it needless to investigate any charges against Captain Elliott preferred by an American citizen, and which concerned his own country alone, yet he deemed it a matter of duty to protect him against the assaults of a foreign government ; that being an affair which concerned all civilized nations. The triumphant vindication of Captain Elliott against the imputations of the British Court of Inquiry, imputations, be it remembered, substantially the same as those circulated against him on the frontier soon after the

battle, added fuel to Commodore Perry's hatred. He afterwards continued to speak of Captain Elliott with great severity, until, about the commencement of the year 1818, he used so little caution in his denunciations, that some of his offensive expressions reached the ears of their object. Captain Elliott received letters from two of his friends, informing him of Commodore Perry's proceedings. Soon after this, he understood that Mr. Hall, at Washington, had heard some offensive remarks concerning him from Commodore Perry, and called upon him for information; for having resolved on calling Commodore Perry to account, he wished first to procure sufficient proof of the Commodore's hostile proceedings. He then proceeded to Washington, for the purpose of meeting Commodore Perry, but was disappointed in this by the Commodore's sudden and unexpected departure. He then addressed a letter to Commodore Perry, inclosing attested copies of the communications which he had received, and which have already been given to the reader. Commodore Perry's reply to this has already been alluded to. To this Captain Elliott replied by a letter containing a challenge, and which is the following :

Norfolk, July 7th, 1818.

Sir,—Your letter of the 19th June is before me, having been received this moment, on my return after several days absence from the State on public business. I have read it, Sir, with attention, and will do you the justice to say that it is a masterly production of epistolary blackguardism. I had hoped my last letter would have drawn from you some other reply more *honorable*, and I am now induced to give you that invitation which I supposed my letter would have drawn from you, in case the certificates were true. I now invite you to the field. Appoint your time and place, some where equally distant from us both, giving me only a reasonable time to join you after the receipt of your answer, when nothing in the power of human control shall detain me. It

might be expected that I should answer this vocabulary of false and vulgar assertions of yours in detail. I cannot descend to such blackguardism. Declamations, such as contained in the letter in question, can be productive of little benefit towards a final settlement of this present dispute, and as I feel no disposition to procrastinate this business by a useless waste of ink and paper, I must resort to some other weapon, more potent than a pen, one that will at once place me above your *cunning*, and teach you that all your former low and ungentlemanly acts shall not shield you from the chastisement you merit. Though your memory appears a most treacherous one, and though I have the most horrid opinion of your general character, still I cannot think you so base, so lost to all sense of justice and feeling, as to have forgotten the manner in which you presented yourself to me on board the Niagara, in the action on Lake Erie, the words then made use of, as well as the friendly congratulations I received on my return on board my own vessel after the battle. I do not pretend to select any particular place for our meeting, though I would recommend a central situation, a place in which we might be strangers; by doing so the object of our meeting would excite no suspicion, and throw no difficulty in the way. You shall be made acquainted with the name of my friend as soon as I hear from you; till then as little writing as possible.

Public business will call me from this place on the 1st of next month; I should like to receive your final answer before that time. A duplicate of this will be forwarded; a similar reply, if you please; and seal with some other seal than the one on your last letters, bearing the initials of your name.

Yours with respect,

JESSE D. ELLIOTT.

O. H. PERRY, Esq.

Newport, (R. Island.)

In the mean time, Commodore Perry stated to Lieutenant Thomas Holdup Stevens that Captain Elliott had induced him to omit any mention of Mr. Stevens, then Mr. Holdup, in the official report of the battle. This communication induced the following correspondence between Captain Elliott and Lieutenant Stevens.

*“ U. S. Ship Alert, Navy Yard,
Gosport, 10th July, 1818.*

Sir,—Having lately understood that you were the only cause of my not being mentioned in the official despatches of the battle on Lake Erie, I have to request, if you ever made assertions in the slightest degree derogatory to my character as an officer, or injurious to it as a brave man, you will furnish me with the grounds on which such assertions were made.

If you never made them, you will do my character the justice to give me, in writing, an open and positive denial.

I am, sir, respectfully,

Your obedient servant,

THOS. HOLDUP STEVENS.

Capt. JESSE D. ELLIOTT,

U. S. Navy.”

Capt. Elliott, suspecting the source of Lieut. Stevens' information, and not considering himself obliged to reply till the name of the informant was disclosed, returned this letter with the following endorsement :

“ No reply until the author of the report is disclosed.

J. D. ELLIOTT.”

*“ U. S. Ship Alert, Navy Yard,
Gosport, 11th July, 1818.*

Sir,—Having been informed by Capt. Perry, during my visit to Newport last month, that you were the only cause of my not being mentioned in the official despatches of the battle of Lake Erie, I embrace the earliest opportunity, after my return to this place, to request that if you ever made assertions in the slightest degree derogatory to my character as an officer, or injurious to my reputation as a brave man, you will furnish me with the grounds upon which such assertions were made.

If you never made them, you will do my character the justice to give me, in writing, an open and positive denial.

I am, sir, respectfully,

Your obedient servant,

THOS. HOLDUP STEVENS.

Capt. JESSE D. ELLIOTT,

U. S. Navy.”

“*Norfolk, July 12, 1818.*”

Sir,—Your letter of the 11th inst., covering information recently communicated to you by Capt. Perry, has been received. Strange indeed, that after a lapse of nearly five years, he should for the first time have made you acquainted with the cause which induced him not to have mentioned you particularly, in reporting on the action of the 10th Sept., 1813; and now, with a particular object in view, endeavors to account, for it on information said to have been received from his second in command, who, from the particular nature of the official despatch, had not and could not have any agency in making out the report of that action, or in communicating any thing that led to it. The language of Capt. Perry, on coming on board my vessel, satisfied me of his motive in not mentioning the gun-boats at the stern of our line; and if called upon before a proper tribunal, I will have no objection in stating it.

Respectfully your ob't. servant,

J. D. ELLIOTT.

Lieut THOS. HOLDUP STEVENS.”

This statement must have been made by Commodore Perry to Lieutenant Stevens after the former had received Captain Elliott's letter, written in consequence of his disappointment about a meeting at Washington; for that letter is dated May 14, and was addressed to Newport, where Commodore Perry then was, and received in due course of mail; and Lieutenant Stevens, in his second letter to Captain Elliott, dated July 11, says that he received the statements of Commodore Perry during a visit to Newport in the preceding month, or June. The conduct of Commodore Perry in this affair is certainly worthy of comment. Captain Elliott's representation to him about the behavior of Lieutenant Stevens, then Lieutenant Holdup, in the battle, was *confidential* or *not*. If confidential, it should never have been disclosed without adequate cause; and there being no adequate cause in June, 1818, the disclosure was a violation of confidence. If not confidential, it should have been

disclosed immediately, for the purpose of giving the party an opportunity of defending himself, if unjustly censured. But the statement *was* disclosed, and *five* years after it was made. And under what circumstances was the disclosure made? After Commodore Perry had received a letter from Captain Elliott, demanding explanations of offensive remarks, instead of promptly meeting this demand, either by an explanation or a defiance, he discloses to Lieutenant Holdup Stevens a representation concerning him made five years previously, as if for the purpose of adding one more to the enemies of Captain Elliott.

Commodore Perry replied to the challenge by the following letter.

“Newport, Aug. 3, 1818.

Sir,—Your letter of the 7th ult., was delivered to me on my return to this place from New-York. It is impossible that you should not have anticipated the reply, the invitation it contained would at this time receive; having before you my letter of the 18th June last, in which I implicitly gave you to understand what course I should pursue in regard to you. Most men, situated as you are, and avowing their innocence, would have considered their honor best defended against the charges contained in that letter, by first demanding the investigation announced to you, and holding me accountable on failure to support them.

I have prepared the charges I am about to prefer against you, and by the mail to-morrow, shall transmit them to the Secretary of the Navy, with a request that a court-martial be instituted for your trial upon them.

Should you be able to exculpate yourself from these charges, you will then have a right to assume the tone of a gentleman, and (whatever my opinion of you may be) I shall not have the least disposition to dispute that right, in respect to any claim you may then think proper to make upon me.

I am, sir, your humble servant,
O. H. PERRY.

Capt. J. D. ELLIOTT,
U. S. Navy, Norfolk.”

In this letter, he declines Captain Elliott's challenge, because he intends to prefer charges against him to the Secretary of the Navy, and to request a Court Martial upon them. He also says that Captain Elliott must have anticipated *this* reply to his challenge, by recurring to the letter of Commodore Perry, dated June 18, in which his determination to prefer charges was clearly indicated. This seems to convey the insinuation that Captain Elliott had sent him a challenge, while knowing that it could not be accepted. But Commodore Perry's letter of June 18 seems hardly to warrant the construction which he thus puts upon it. The language in which he implies that he threatened a Court Martial, is the following: "Mean and despicable as you have proved yourself to be, I shall never cease to criminate myself for having deviated from the path of strict propriety, for the sake of screening you from public contempt and indignation. For this offence to the community I will atone in due time, by a full disclosure of your disgraceful conduct." But this by no means implies a judicial investigation, to the exclusion of every other mode of disclosure; for "a full disclosure" might be made through an appeal to the public, and an indication of making such appeal is the most obvious meaning of these terms. Captain Elliott was certainly justified in believing that he intended by "a full disclosure," a statement in a newspaper or pamphlet, and not an application for a Court Martial. That he did consider it a promise or threat to appeal to the public, is manifest from his letter of July 7th. Commodore Perry, in this letter of August 3, says that the most proper course for an officer in the situation of Captain Elliott, would be first to demand an investigation of the charges preferred, and to call the accuser to the field on his failure to prove them. But besides the fact that he did not consider Commodore Perry's *threat* as

indicating an appeal to a Court Martial, the reader will recollect that he long before demanded an investigation of the same charges, and got for his pains, not a Court of Inquiry, much less a Court Martial, but—a complimentary resolution of the House of Representatives; and that he afterwards sought and obtained an investigation in 1815, and was triumphantly acquitted by the Court of every thing excepting the utmost gallantry and skill! Even had he supposed, therefore, that Commodore Perry intended to apply for a Court Martial, he must have anticipated the fate of the application. He must have known that the Secretary of the Navy would not order an investigation of charges which were always known, at head quarters, to be unfounded, and of which a Court of Inquiry had already acquitted him. It is singular that these considerations should not have occurred to Commodore Perry. It is difficult to imagine how he could suppose that his charges would be listened to for a moment, refuted as the same charges had been upon a former occasion.

After a lapse of two months from the date of Commodore Perry's last letter, Captain Elliott, hearing nothing either from him or the Navy Department about the threatened charges, addressed to him the following letter.

Boston, 3d October, 1818.

Sir,—Two months having elapsed since the date of your answer to my invitation to the field, and as I have neither been furnished with an arrest, or made acquainted with the charges you state would be forwarded to the honorable Secretary of the Navy by the following mail, I have to inform you that from Falls River, I hastened to the quarters of the Secretary of the Navy, and by him have been informed, that he has not heard from you on any subject for the last two months, and that he does not know of any transaction between us. I am still under the impression, that you are disposed to continue your old game of deception. I must therefore

again call your attention to my former communication, with a request that you answer me by return of mail, *yea* or *nay*, as I shall leave this for the South in five days.

With proper respect,

J. D. ELLIOTT.

O. H. PERRY, Esq., Newport."

Commodore Perry replied without delay, in the following terms.

"Newport, October 6th, 1818.

Sir,—In reply to your letter of the 3d inst., I have to inform you that I forwarded to the Navy Department on the 10th of August last, charges which I then preferred against you. It is not for me to account for their not having been submitted to the honorable the Secretary of the Navy.

I am, sir, your obedient servant,

(Signed) O. H. PERRY.

Capt. JESSE D. ELLIOTT,
U. S. Navy."

The charges were duly transmitted, but never reached the Secretary, who informed Captain Elliott, by a letter written about the 1st of October, 1818, that he had not heard from Commodore Perry for two months previously. Here ended the correspondence between them. The meeting which Captain Elliott invited in three different letters, was never held, and Commodore Perry sailed shortly after upon the cruise in which he died.

But while Commodore Perry was in Newport, and after he had received Captain Elliott's letter of May 14, 1818, demanding an explanation, a resolution was introduced into the General Assembly of Rhode Island, to appoint a Committee to collect and deposit among the archives of the state, all the documents and memorials necessary to preserve the memory of the brilliant achievements of Commodore Perry on Lake Erie, and to request him to sit for his portrait. There was nothing extraordinary in this resolution. It was

a compliment due to a gallant son of Rhode Island, which ought to have been paid before, and was similar in character to a resolution of the Legislature of Pennsylvania, which decreed gold medals to Captains Perry and Elliott. But the time in which it was introduced is worthy of notice, and it certainly led to extraordinary proceedings. It was introduced after Commodore Perry had received Captain Elliott's letter of May 14, by Mr. Benjamin Hazard, a relative of Commodore Oliver Hazard Perry, and a member of the Hartford Convention. It is unfortunate for Commodore Perry that this resolution, so proper in itself, should have been introduced by a near relative, and at this particular time ; for it leads to the supposition that Commodore Perry sought by it to throw the Legislature of his native state between himself and Captain Elliott. Still more unfortunate is it that the proceedings which followed should have been held under it, as they tend to confirm this supposition. The committee proceeded to collect documents and memorials, and collected — what ? A number of affidavits directly criminating Captain Elliott !!! This again brings the reader to the officers of the Lawrence, who fully participated in Commodore Perry's hostility. The affidavits taken, and which have already been the subject of comment, are those of Messrs. Turner, Parsons, Breese and Taylor of the Lawrence, Champlin of the Scorpion, and Brownell of the Ariel. All excepting that of Mr. Taylor, bear internal evidence of having been drawn by the same individual, who was probably Mr. Hazard. They were manifestly drawn by a lawyer, and by one skilled

“To make the worse appear the better reason.”

They indicate a *facility*, a *practice* in explaining away difficulties and supporting weak points, which few but lawyers can be expected to possess in an

eminent degree, because it is a faculty or habit which no profession, excepting the law, frequently put in requisition. They are replete with hearsay statements and vague generalities, presenting a very imposing appearance to superficial observers ; and with distortions, colorings, implications, and suppressions of facts, which, without amounting to falsehood in terms, directly mislead the reader to conclusions totally different from the truth. They are uncandid and disingenuous productions, and such as would naturally emanate from a mind habituated to logical perversion. The officers who signed them could hardly have been aware of their character. They were indeed bitterly prejudiced against Captain Elliott, and saw his conduct in the battle through the discolored medium of their animosities, and in the perspective of five long years ; whence little reliance could be placed upon their accuracy. Yet the spirit of frankness and plain dealing so much engendered by a military life, would not be very consistent with gross perversion of the truth, or with sly, disingenuous insinuation of falsehood. But they were in the hands of a cunning lawyer, intent upon making them say what suited his purpose, without permitting them to be precisely sensible of what they did say. These affidavits are exquisite specimens of what a shrewd and cunning lawyer may do with a witness, when having strong prejudices to work upon ; of the facility with which he may, when operating upon such prejudices, lead a witness into uttering the grossest improbabilities. But in this case, the tact of the lawyer seems to have been blunted by his own prejudices in favor of his relative ; for he has led his witnesses into statements too improbable to be believed, and which are therefore self-refuted. But perhaps Mr. Hazard was a friend of Captain Elliott in disguise, and took this mode of discrediting Commodore

Perry's witnesses; for it is common with some lawyers, upon a cross examination, to discredit witnesses by leading them, through their prejudices, into telling very improbable stories; the witnesses all the while intending to testify correctly. But whatever may have been Mr. Hazard's object, any unprejudiced reader of the whole testimony would say that these witnesses, judged by these affidavits *alone*, were men of very strong prejudices and rather weak minds.

The affidavit of Mr. Taylor was probably written by himself, and is in a totally different style from the rest. It is a prolix narrative of minute and unimportant circumstances; such as might be expected from one who was a warm friend of one party and a decided enemy of the other, who undertook to state what he believed to be the facts, but who saw every thing through his prejudices, whose memory had been controlled by his feelings, and who was not logician enough to decide whether his statements operated against or in support of the party whom he wished to sustain.

The committee who took these affidavits never made any report, and for a very obvious reason. The other member of the committee, Mr. Gibbs, seeing that the purpose of his associate was to build up the character of Commodore Perry by pulling down that of Captain Elliott, was probably not disposed to lend it his aid, and well knew that it would not be tolerated by the Legislature of which he was a member. He probably knew nothing of the testimony till after the affidavits were taken; for Mr. Hazard probably volunteered to procure it, and drew every affidavit without consulting him. The committee, thus disagreeing, made no report, wherefore nothing was presented for the action of the Legislature. But Mr. Hazard's object was partly attained; for the testimony

was procured, reduced to writing, and put on file, ready to be laid before the public through the press, if occasion should require it. Though this account of Mr. Hazard's proceedings be conjectural, it sufficiently resembles some of his modes of proceeding to be highly probable, and it is extremely difficult to explain the whole or any parts of the transaction upon any other hypothesis. What other documents and memorials were collected by the committee, has not yet appeared ; but if Mr. Hazard undertook the task of collection, it is probable that few, if any others, were collected, than such as would directly or remotely criminate Captain Elliott. Why did not this committee, or rather Mr. Hazard, call upon the officers of the Niagara ? Why did they not call upon Captain Elliott himself ? Both he and they must have been supposed, by this committee, to know *something* about the events on Lake Erie, and if the object of the committee were merely to obtain evidence of those events for the purpose of preserving a history of them, he and they were very important witnesses. This singular omission to do what seems to be very naturally suggested by the resolution, is well fitted to excite inquiry into the *object* of those who procured the testimony that *was* filed.

This appeal to the Legislature of Rhode Island, if such the proceeding may be called, throws some light upon that part of Commodore Perry's letter to Captain Elliott of June 19, in which he threatens to atone for his *past offence* in screening Captain Elliott, by making, in due time, *a full disclosure of his disgraceful conduct* ; and justifies the inference of the latter that he intended an appeal to the public, and not to a Court Martial. Captain Elliott's demand of an explanation is dated May 14, 1818. The Legislature of Rhode Island begins its session on the first Wednesday in May. Commodore Perry's reply con-

taining this threat of a full disclosure, is dated June 19, 1818. The committee, or more probably Mr. Hazard, must have already made some progress in collecting documents ; and as Commodore Perry was upon the spot, and particularly interested in the inquiry, it is not to be supposed that Mr. Hazard would proceed without consulting him, or informing him, from time to time, of the progress made in the investigation. His reply to Captain Elliott of June 19, must then have been written with full knowledge of what this committee were doing ; and the *time* and *place* of the proceedings, and the character of the documents collected, plainly indicate to the reader what species of "full disclosure" was intended.

The Legislature of Rhode Island not interfering, and having Captain Elliott's challenge before him, Commodore Perry next endeavored to interpose between them the Government of the United States. At least such inference is deducible from the facts. The letter containing this challenge is dated July 7, 1818. In the reply to it, which is dated August 3d, Commodore Perry states that he did not receive it till after his return to Newport from New-York ; but as he does not give the date of his return, it was probably received and considered of some days before the reply. He says that on the next day, August 4th, he should transmit charges to the Navy Department, and demand an investigation of them. The letter to the Secretary of the Navy which enclosed the charges, is dated August 8th, but the charges are without date. Captain Elliott, hearing nothing from the Department upon the subject, again wrote to Commodore Perry on the 3d of October, and was answered by a letter dated October 6, in which Commodore Perry says that he transmitted the charges to the Department on the 10th of August. It appears then from his letter of August 3d, that his charges were not transmitted

till some days after he says they were prepared ; a delay somewhat inconsistent with his professed zeal to *atone for the past* by bringing Captain Elliott to justice. But admitting the delay, the reader will still perceive that every thing favors and nothing contradicts the belief, that, the drawing of the charges was not commenced till after the receipt of Captain Elliott's challenge. And the delay in transmitting these charges is another proof that by his threat of "a full disclosure," in his letter of June 19, he did not mean an appeal to a Court Martial ; for if he had resolved, as early as June 19, to apply to a Court Martial, why should he withhold his charges till August 10, or nearly two months ? The inference then is irresistible that by this "full disclosure" threatened in his letter of June 19, he intended what he was *then* attempting, a *disclosure* through the Legislature of Rhode Island ; and that he did not contemplate an appeal to a Court Martial till after failing in this project, and after he had received Captain Elliott's letter of July 7.

What was the fate of this attempt ! The charges, the two affidavits in support of them, and the letter of Commodore Perry to the Secretary of the Navy, were destined to another fate than being the foundation of a Court Martial upon Captain Elliott. They were received at the Navy Department in the absence of the Secretary, and immediately transmitted to President Munroe, in whose hands they were seen by Commodore Decatur. The Commodore, after deprecating any resort to a Court Martial against Captain Elliott, which, as he well knew, would render no service to Commodore Perry, took the documents into his own custody, doubtless intending that they should not again see the light. The preface to the first pamphlet against Captain Elliott states that "When Commodore Perry was about to sail on the cruise

which terminated his valuable life, he requested Commodore Decatur to take charge of the following documents, to keep Captain Elliott in check during his absence, &c." This is a fabrication of the publisher which refutes itself. According to this, Commodore Perry *files* charges in the Department against Captain Elliott, and then requests Commodore Decatur to take them into *his* custody, for the purpose of keeping Captain Elliott in check during his absence. What safer place of custody could there be for these documents than the Navy Department? And by what authority could they be taken from the Department and consigned to a third person for publication? The Department has never yet permitted itself to become the mere channel of communication in a controversy between two officers. While *there*, the documents were to be acted upon or not. If acted upon, through a Court Martial, a Court of Inquiry, or a report to Congress; if not, to be placed on the files of the Department, beyond the reach of any body but the President or the Secretary of the Navy. To have got into the hands of Commodore Perry from the Department, they must have been withdrawn with the Secretary's consent, which consent would not have been given if he knew that the object of withdrawing them was their publication; or they must have been delivered by the President or Secretary to another person, for the purpose of being suppressed, or of being returned to the accuser for the same purpose. To say then that they were delivered by Commodore Perry to Commodore Decatur, is an acknowledgment that they had been withdrawn from the Department, and so far as an *official accusation* against Captain Elliott was concerned, had become a *dead letter*. This would be proof positive that the Secretary of the Navy would not notice Commodore Perry's complaint, or tolerate the idea of a Court Martial upon Captain

Elliott. But the Secretary would not have delivered them to Commodore Perry for publication, or without exacting a promise of their suppression. If then they had been withdrawn from the Department by Commodore Perry, and afterwards consigned to Commodore Decatur for publication, the former must have violated such promise. But Commodore Decatur would not have been the instrument of such proceeding. He never would have consented to become the depository of *such* documents, withdrawn from the Department under *such* circumstances, to be subsequently used for *such* purpose. Therefore the declaration that they were delivered by Commodore Perry to Commodore Decatur, for the purpose of keeping Captain Elliott in check, cannot be correct. They were never delivered to Commodore Decatur by Commodore Perry, and they *were never on the files of the Navy Department*. As before said, they were received at the Department in the absence of the Secretary, and immediately transmitted to the President, in whose hands they were accidentally seen by Commodore Decatur. The Commodore, much to the satisfaction of the President, took them into his own custody, deposited them in his escritoire, where they remained till after his death, and where they would still be were he living ; for he was very anxious for their suppression, was not a little grieved on perceiving to what extremities Commodore Perry had proceeded, and said that the affair must end here, or he would be ruined and the Navy dishonored.

After Commodore Decatur's death, these documents were published without the knowledge of Commodore Perry's relatives, the object of the publisher being to destroy the reputation of Captain Elliott, because he acted as second to Commodore Barron in his unfortunate duel with Commodore Decatur.

The reader will doubtless recollect that lamentable

transaction, which deprived the country of an officer who had so largely contributed to its naval renown. But while regretting the fall of the gallant Decatur, he should not forget to render justice to the survivor in that unfortunate encounter. Commodore Barron had suffered severely for the capture of the Chesapeake by the Leopard in 1807 ; with what justice, all can decide who will carefully read the record of his trial. That record shows that the Chesapeake was utterly defenseless for want of preparation ; that Commodore Barron had no agency in fitting her for sea ; and that during the destructive fire of the Leopard, in the very commencement of which he was wounded, he displayed the utmost coolness and self possession. It also shows that Commodore Elliott, then a midshipman, not only behaved with the most dauntless intrepidity during the engagement, if engagement it could be called, but afterwards repelled, with all the virtuous indignation of a young and unsophisticated mind, a base appeal to his personal interest. Mr. Elliott was a witness on the trial of Commodore Barron, and was called to rebut certain testimony upon one of the principal charges ; a charge upon which, if convicted, the Commodore would have been condemned to be shot!! Mr. Elliott did completely rebut this testimony, and thereby saved the life of an early and valued friend. The reader is invited to a careful perusal of Commodore Barron's trial, and particularly of his defense, drawn up by General Taylor of Norfolk. When Commodore Barron, after the peace of 1815, applied to the Executive to be employed in the Navy, he was strenuously opposed by Commodore Decatur and other officers. Indeed Captain Elliott was the only Captain who approved of his being restored to command. Captain Elliott knew his value to the service, made an energetic appeal in his behalf to President Munroe, and

succeeded. Commodore Barron was restored, has been a most efficient and valuable officer, and now commands the Navy Yard at Philadelphia. There is a singular coincidence in his being commandant of the Naval station in that great and patriotic state of which his friend is so distinguished a citizen. Commodore Elliott, who never fled from an enemy nor abandoned a friend, was not disposed to shrink from the responsibility of aiding an old and valued friend, whom he believed to have been an oppressed and injured man. In the true spirit of ancient chivalry, he stood forth in behalf of what he believed to be the right ; and for this has a blow been aimed at his character by the anonymous publication of documents, which, had Commodore Decatur lived, would not have seen the light.

Immediately after their publication in the shape of the first pamphlet, Captain Elliott published a brief reply in one of the Washington newspapers, in which he stated that he had prepared the materials necessary for his defence. This publication drew from Lieutenant Matthew C. Perry, brother of the Commodore, a second pamphlet, containing the first, and containing also the affidavits and letters of Messrs. Thomas Holdup Stevens, Forrest, Champlin, Breese, Brownell and Taylor, and an extract from Commodore Barclay's official report. To this Captain Elliott replied by publishing a pamphlet, containing the exculpatory documents already noticed.

Captain Elliott's conduct in the battle of Lake Erie, the subsequent attack upon him, the origin, progress and termination of that attack, are now before the public, and are cheerfully left by the author of these pages to the judgment of the candid and intelligent reader.

CHAPTER XIII.

Events on Lake Ontario. Expedition against the Barbary powers. Survey of the coast of U. States.

IN April, 1814, Captain Elliott returned to Lake Ontario, agreeably to the permission of the Secretary of the Navy, mentioned in his letter already quoted in page 142. During the following summer, he displayed the same energy, activity and zeal for the public service which had characterized him during his whole professional career. On the 31st of July, while commander of the Brig Sylph, of 20 guns, one of Commodore Chauncey's squadron, he attacked a British brig of 14 guns, and compelled the enemy to blow her up, to prevent her from falling into our hands. The following extract from Commodore Chauncey's official report, shows the opinion which he entertained of this exploit.

"In the afternoon of the 31st of July. I was taken on board, but it was calm, and I did not sail before the next morning. To satisfy at once whatever expectation the public had been led to entertain of the sufficiency of this squadron to take and maintain the ascendancy on this lake, and at the same time, to expose the futility of promises, the fulfilment of which had been rested on our appearance at the head of the lake, I got under way at 4 o'clock in the morning of the 1st instant, and steered for the mouth of the Niagara. Owing to light winds, I did not arrive off there before the fifth. There we intercepted one of the enemy's brigs running over from York to Niagara with troops, and run her on shore about 6 miles to the westward of Fort George. I ordered the Sylph

in to anchor as near to the enemy as she could with safety, and to destroy her. Captain Elliott run in in a very gallant manner, to within from 300 to 500 yards of her, and was about anchoring, when the enemy set fire to her and she soon after blew up.

This vessel was a schooner the last year, and called the Beresford. Since they altered her to a brig, they changed her name, and I have not been able to ascertain it. She mounted 14 guns, 12-24 pound carronades and 2 long 9 pounders."

Sir James Yeo, the commander of the British fleet on Lake Ontario, having several times studiously avoided a general action, the impression became general that his intention was not to encounter our squadron without a great superiority of force. Under these circumstances, Captain Elliott, losing all hope of the contest, to participate in which he had so earnestly sought permission to return to Lake Ontario, solicited and obtained the command of the sloop of war Ontario, then lying at Baltimore. But his hopes of gathering fresh laurels upon the ocean were defeated by the peace of 1815.

Soon after this, war was declared against Algiers ; and the Ontario being selected as one of the Mediterranean Squadron, he sailed early in the spring of 1815, under command of Commodore Decatur. Off Cap de Gatt, the squadron fell in with and captured an Algerine frigate of 38 guns and 500 men, and three days afterwards, captured a brig of 24 guns and 300 men, both of which were sent into Carthage in Spain. Peace being concluded with Algiers, the squadron proceeded to Tunis, and compelled the Bey to surrender a large amount of property belonging to citizens of the United States, captured from the British during the war, by American privateers. Here Captain Elliott performed another public service, which, for daring and desperate valor, as well as for cool, inflexible resolution, exceeds any previous act

of his life, and has rarely been equalled. Bravery in the heat of a contest which has been expected, or which has been for some time raging, however laudable, is not uncommon. Among all civilized nations, courage is the principal point of honor in the profession of arms, and every combatant therefore goes into battle with full knowledge of what is expected of him. On such occasions, the mind has time for deliberation; time to collect and prepare itself. But sudden and unexpected emergencies furnish indisputable tests; and whoever, on such occasions, evinces cool self-possession, and promptly summons his faculties to meet the extremity, whatever it be, can always be relied on. In a negotiation with the Bey of Tunis, the American consul, M. M. Noah, went to the palace, accompanied by Captains Gordon and Elliott. The following is Mr. Noah's account of this interview.

"Captains Gordon and Elliott were instructed by Commodore Decatur to accompany me to the palace, to learn the ultimatum of the Bey. We were at Bardo at an early hour; anxiety and curiosity had brought a number of persons about the walls; the hall of audience was crowded, and Hassan and Mustapha, the two sons, were present and were extremely active and insolent.

"A commanding appearance has great influence with the Turks; accustomed to measure every thing by the eye, they course over the exterior, and make few allowances for mind or character. Captain Gordon, who is now dead, had not an impressive figure, nor did he carry in his face or person any token of that firmness of character, and generous and just sentiments for which he was distinguished. The Bey looked at him with the utmost indifference. He was a short man, worn down by illness. 'Who are you?' said he. 'I am second in command of that squadron,' said Captain Gordon, 'and I am here to know whether you are ready to do us justice.' 'Why does not your admiral come on shore then?' said the Bey. 'Why am I treated with so much disrespect by him?' 'He will not land, Sir, until you decide to pay the value of these vessels which you permitted the

British to take from us.' Mustapha Bey then interfered, and in a tone of uncommon insolence and violence was about to contest the matter, when Captain Elliott observed, 'We did not come here to be insulted. This interview must be cut short. Will you or will you not pay for these vessels? answer nothing but that.' 'Well then,' said Mustapha, thus pressed, and with a furious look, 'we will pay for them, but have a care, our turn comes next.' 'Tell your Admiral to come on shore,' said the Bey, 'I'll send the money to the Consul, I am a rich Prince, and don't value it—go.'

"Thus ended the interview, and thus were the rights of the United States, as guaranteed by treaty, faithfully supported and rigidly enforced.

"The Bey ordered a letter to be written to Commodore Decatur, and doubtless felt a respect for that nation which would not abandon a point of honor.

"The amount paid was 46,000 dollars, and a promise on the part of the Jew Merchants to pay 44,000 piastres."

One circumstance of this interview has been omitted by Mr. Noah. While Mustapha, the son of the Bey, was addressing the American deputation in a tone of excessive insolence, about thirty Mamelukes entered the room with drawn cymetars. Captain Elliott, at once perceiving that this was either intended to intimidate them, or preparatory to some violent outrage, placed his back against the wall, drew his sword, and declared that he would sell his life dearly. The Bey, finding the Americans were not to be intimidated, assented to their demands and dismissed them. This affair needs no comment. It was the act of a man, who, in a battle, could never have been a coward.

From Tunis the squadron proceeded to Tripoli, where serious difficulties existed between the Bey and the American consul, which had compelled the latter to haul down his flag. The Bey being compelled to make an honorable atonement, and the American flag being again hoisted by the consul, the squadron, after visiting several ports in the Mediterranean, proceeded

to Gibraltar. Here the Ontario was designated by the Secretary of the Navy to remain as one of the Mediterranean squadron; but Captain Elliott, having been absent from his family from the commencement of the war with Great Britain, relinquished the command of his ship, and returned home as a passenger in the Macedonian.

He remained with his family till 1817, when he was appointed a commissioner, to act in conjunction with General Bernard, General Swift, Captain Warrington, and Colonels Armistead and M'Crea, in examining the entire coast of the United States, for the purposes of selecting points for permanent dock-yards, for fortifications to protect the maritime frontier, and for lighting the coast of North Carolina. All acquainted with military science will perceive the magnitude and importance of this undertaking; and the selection of Captain Elliott as one of the commissioners to perform it, is a convincing proof of the high estimation in which he was held by President Munroe, the Secretary of the Navy, the Secretary of War, and the chief officers of the army and navy. In this highly responsible station he continued till 1824. In his report of surveys of the coast of North Carolina, he recommended, as a mode of designating shoals, that *light-ships* or vessels constructed for the purpose of resisting gales, and provided with *lights*, should be placed upon the extremities of Cape Hatteras, Cape Look Out, and Cape Fear. In executing this survey, he signalized himself by an act of intrepidity and self devotion that would have conferred honor upon Carlo Borromeo, Pilatre de Rosier, Howard, or any other philanthropist or philosopher who set his life at nought in seeking the good of mankind. He was informed by Mr. Crawford, then Secretary of the Treasury, that, owing to the supposed danger of locating a light-ship, and occupying it during a gale, no per-

son could be found willing to perform such service. Captain Elliott VOLUNTEERED TO LOCATE ONE. He immediately proceeded to New-York, embarked in the Revenue Cutter Alert, Captain Cahoon, took the light-ship in tow to Cape Hatteras shoal, anchored it in a proper position, sent the cutter into Ocracoke, and remained on board of the light-ship during three gales of wind !! He thus demonstrated the practicability of occupying this and similar positions with light-ships. The following letter from General Bernard, addressed to Captain Elliott on the termination of the commission for the surveys of the coast, shows the estimation in which he was held by that skilful officer and excellent man. Such a testimonial from General Bernard will be deemed valuable by all who knew him. He stood high in the estimation of Napoleon, to whom he was an aid de camp ; he stood high in the estimation of our own government during the administrations of Presidents Munroe and Adams, and, while he remained here, of President Jackson ; and he is now high in the estimation of the French government, of which he is minister of war ; and he will be affectionately and respectfully remembered by every American citizen who enjoyed his friendship or acquaintance during his residence in our country.

Philadelphia, December 3, 1823.

Dear Captain,—The pledge of national gratitude for your great naval achievements, has become, in my hands, a pledge of our mutual friendship. If your glorious deeds assign you an elevated rank among the American heroes whose courage and genius will be handed down to future generations, your generosity of soul assures you a distinguished place in the heart of those who are honored with your friendship.

The *fac simile* you presented me with shall perpetuate in my family your heroism, and also my feelings of gratitude towards one who, with such noble generosity, welcomed me

when I landed on the hospitable shores of the country of freemen.

Continue to me, dear captain, all your friendship, and accept of all the expressions of the high esteem of your most thankful friend,

BERNARD, Brig. Gen.

Capt. J. D. ELLIOTT, U. S. Navy."

While employed in surveying the coast, Captain Elliott was promoted from the rank of Master Commandant to that of Captain in the Navy, which post he now holds; his commission bearing the date of March 27, 1818.

CHAPTER XIV.

Important cruise on the coast of Brazil in 1825, 1826 and 1827.

In 1825, Captain Elliott was appointed to the command of the U. S. Ship *Cyane*, to cruise upon the coasts of Brazil and Buenos Ayres. About to leave his residence at Carlisle in Pennsylvania, to take command of the *Cyane* at New-York, he wrote to the Secretary of the Navy, under date of November 6, 1825, saying, "I would be glad to have a regularly ordained clergyman on board, which will enable the statutes of the Navy to be enforced." This request is one proof among many others that might be cited, of the attention uniformly paid by Captain Elliott to the morals and deportment of those under his command. He has always been deeply impressed with the belief that the best citizens make the best officers and seamen; that those most faithful to any one of the social relations, offer the best guarantees of fidelity to the rest; that those who entertain the highest views of private character, are the most worthy of being trusted with the honor or interest of a nation.

By order of the Secretary of the Navy, about twenty young midshipmen were placed on board of the *Cyane*, for the purpose of being instructed in their profession under the superintendence and guardianship of Captain Elliott during the cruise. The confiding to him of a trust so extremely delicate and responsible as this, shows the high estimation in which

he was held by the President and the Secretary of the Navy, not only as an energetic and skilful commander, but as a discreet and worthy man. He immediately requested Major Thayer, the commandant at West Point, to send him some gentleman from that establishment, competent to teach these young officers; in compliance with which request, Major Thayer recommended Lieutenant Smith of the U. S. Army. The following extracts of two letters show the paternal and judicious manner in which this trust was executed by Captain Elliott.

*" U. S. Corvette, Cyane,
Dec. 26, 1825, off Sandy-Hook.*

Sir,—It is proper I should here remark, for the information of the parents of each young gentleman committed to my care and attention, that I shall place two thirds of them off the active duty of the ship, in order that their minds may not be abstracted from study; that alternately they shall be relieved every two weeks at the commencement, and that after they have made some little progress, the time will be extended to a longer period; and that the school shall be conducted in my cabin, under my own eye and care.

With great respect, I have the honor to be

Your obedient servant,

J. D. ELLIOTT.

HON. SAM'L L. SOUTHARD,
Sec'ry Navy, Washington."

*" U. S. Ship Cyane, at Sea, Jan. 19, 1826.
Lat. 25° 45' N.—Long. 26° 30' W.*

Sir,—My school progresses in a manner which meets my entire approbation, and reflects great credit on Lieut. Smith of the army, who has volunteered his services for the occasion. The young gentlemen are obedient and have application, and I am well assured that by the end of the present cruise, each one will be enabled to appreciate fully your motive in assigning to me the task of their instruction.

With great respect, I have the honor to be

Your obedient servant,

J. D. ELLIOTT.

HON. SAM'L L. SOUTHARD,
Sec'ry Navy, Washington."

He reached Pernambuco on the 12th of February, 1826, and immediately signified his arrival to the American Consul, John T. Mansfield, Esq. and to the Brazilian authorities ; communicating to the latter the friendly sentiments entertained by the United States for the empire and government of Brazil. He was very politely received by the Governor and other authorities of Pernambuco ; and as is usual on such occasions, salutes were exchanged between the ship and the batteries on shore.

On the 24th of February, he arrived off St. Salvador, and immediately addressed a letter to the military commandant at that city, offering a salute upon condition that an equal number of guns should be returned ; which being readily assented to by the military commandant, salutes were exchanged. Two days after, the Emperor of Brazil entered the harbor of St. Salvador in a ship of the line, accompanied by three frigates. At the moment of the Emperor's anchoring, Captain Elliott displayed the Brazilian flag at the fore of the *Cyane*, and fired a salute, which the Emperor returned with an equal number of guns, displaying at the same time, the American flag at the fore of his ship.

While he was at St. Salvador, or as it is now commonly called, Bahia, an incident occurred of very unpleasant character, and which required and drew from him a prompt and energetic representation to the Brazilian government. While the *Cyane* was at anchor, a slave trader, the Schooner *Tentadora*, luffed athwart her bows, caught her forward booms, carried away most of them, fell on board and hooked her main yard. While the *Cyane* was extricating herself, one of her seamen fell from the main yard upon the deck of the *Tentadora*, and immediately expired. Captain Elliott immediately represented the facts to the Viconde de Quelus, Governor of St. Salvador, who

caused the schooner to be detained and her captain to be arrested. Captain Elliott, with five of his officers and a seaman, then appeared before the judicial authorities of the place, and deposed to the facts. The Captain of the schooner was convicted of a premeditated outrage upon the *Cyane*, and imprisoned, and the owners of the *Tentadora* were sentenced to make indemnity for the injury. Captain Elliott, not disposed to hold the owners responsible for this outrage of their captain, remitted the claim to damages. It is but justice to admit that the promptitude with which the Brazilian authorities proceeded in this case, evinced their great desire to promote amicable relations with the United States. Some of the owners of the *Tentadora* had the assurance to offer to Captain Elliott a bribe of \$5000, to suspend all proceedings against them, which, as may be readily supposed, was indignantly rejected. The energy and decision of Captain Elliott in this case had an ulterior object. By an old Portuguese law, the American merchants were obliged to employ brokers at a commission of two and a half per cent. to pass their merchandize through the Custom House, while the British merchants had the right, secured by treaty, to be sureties for each other. The American merchants had presented a petition to the emperor upon the subject, and Captain Elliott was desirous, by an exhibition of energy in this case, to show that the Government of the United States were not disposed to leave its citizens to be harassed by needless or unreasonable vexations. The emperor replied that he saw no reason why the merchants of the United States and Great Britain should be admitted to the ports of Brazil upon unequal terms.

On the 5th of March, he sailed from St. Salvador for Rio de Janeiro, being entrusted by the Emperor of Brazil, as a particular mark of his respect and con-

fidence, with his despatches for the principal officers of government at the Brazilian capital. On the 13th of March, he arrived at Rio de Janeiro, and immediately wrote to Mr. Raguet, Chargé des Affaires of the United States at the Court of Brazil, saying that he had been sent to cruise upon that coast for the purpose of protecting the American commerce, and communicating with the American public agents on shore ; that being destined further south, he should stop at Rio de Janeiro merely long enough to take in provisions ; that when he left the United States, our government were not informed of the blockade of the river La Plata, and that it might be important for him to hear from Mr. Raguet upon the following points, 1st, the legality of this blockade ; 2d, the naval and military force employed in it ; 3d, whether it was intended to exclude from the river the civil and military marine of other nations ; and 4th, whether the force, both by sea and land, was sufficient to render it effectual ?

From the reply of Mr. Raguet, Captain Elliott found a state of things which had not been anticipated by our government when he left the United States. Without instructions from the Navy Department, he found himself, in a little ship of 34 guns, involved in the question of *paper blockades* with the Brazilian government, armed with a naval force of about 300 pieces of cannon. The reader will recollect that opposition to this piratical principle of declaring *a coast* in a state of blockade, without a force adequate to maintaining it, was a prominent point in our disputes with the French government under Napoleon, and in our late war with Great Britain.

It appears from the correspondence of Mr. Raguet with the government of Brazil, and of Mr. Forbes, then Chargé des Affaires of the United States at the government of Buenos Ayres, with Admiral Lobo, com-

mander of the Brazilian blockading squadron, copies of which were respectively communicated by Messrs. Raguet and Forbes to Captain Elliott, that on the 21st of December, 1825, Admiral Lobo issued a manifesto, declaring "all the ports and coasts of the Republic of Buenos Ayres, and all those on the oriental side of La Plata which might be occupied by the troops of Buenos Ayres, subject, from that date, to the most rigorous blockade. This blockade comprehended a coast extending over more than twenty degrees of latitude, and was supported by no marine force excepting a single corvette.

Thus apprised of the position assumed by the Brazilian government, Captain Elliott sailed from Rio de Janeiro on the 18th of March, and on the 1st of April, arrived near Montevideo. A correspondence immediately ensued between him and the Brazilian Admiral, which is here subjoined, together with his letter to the Secretary of the Navy, and an extract from his logbook. To these documents, which exhibit the character of Captain Elliott in bold relief, the reader is invited to give a careful perusal.

*" U. S. Ship Cyane, off Monte Video,
May 5, 1826.*

Sir,—On the 18th March I had the honor to apprise you of my departure from Rio de Janeiro, and I have now to say that on the 1st April I arrived near Monte Video, after a detention there of two days by head winds; on the evening of the second, I got under way for Buenos Ayres, and on the following morning I discovered a squadron of nearly thirty vessels at anchor off Cape Antonio, part of which soon got under way and stood for the Cyane. I immediately altered my course for the purpose of nearing them, when at the moment stated in the log-book, (an extract of which is herewith enclosed, marked A,) I was spoken by a frigate, having a corvette and three brigs in company, was ordered to send my boat on board, which demand was *peremptorily refused*; but at the same time I remarked that a boat would be received, and which was soon after sent alongside. On

ascertaining the name of the ship, I was informed that the port of Buenos Ayres was in blockade, and that I could not be permitted to proceed; to which I replied, that even if I were to admit their right to proclaim a blockade of an extent of coast against a civil marine, both English and French vessels of war were in the habit of proceeding, since the proclamation of it, almost daily to and from Monte Video and Buenos Ayres, as instanced both in the British and French corvettes *Chasseur* and *Fawn*; that I would allow him thirty minutes to deliberate on his future conduct, and at the expiration of that time, I should proceed, prepared to resist all consequences; that the flag I wore carried under it the sovereignty of the soil it represented; that violated, the soil became invaded, and I should defend the ship to the last moment; that I had a communication for Admiral Lobo, which he asked for, and which I declined presenting until he should have returned from the frigate and discovered to me his true character. At the expiration of the time named, I hailed and asked if he desired any further intercourse, to which he replied that he would be glad to receive the letter for Admiral Lobo, when I remarked that it would be received by sending his boat alongside, which he soon did, and with a polite message in the offer of any thing he had on board for myself or the ship, and wished me a pleasant passage. On presenting the enclosed, marked B, I replied, that I should return in a few days, and desired him to say so to the admiral; that individually, as well as the ship, we were abundantly supplied, and wished nothing hereafter but a free, a liberal and polite intercourse. I immediately made sail, passed round his bow and down the line, under all the canvass of the ship. On the 5th April, I reached the outer roads of Buenos Ayres, despatched an officer on shore with the accompanying communication, marked C, together with a message to Admiral Brown of their navy; exchanged salutes with the military authority, as also with the admiral; and on the morning following paid my respects to the president of Buenos Ayres, and to the other governmental authorities, which were kindly received and returned.

Here I discovered many Americans in distress, received such of them on board as wished to come *guests* to myself and officers, and on the 18th, I got under way and proceeded for the squadron of Admiral Lobo, whom I met on the 20th; exchanged honors with him, and received the accompanying communication, marked D. On the following evening I arrived at Monte Video, and exchanged salutes with the

authorities on shore. After obtaining a true translation of Admiral Lobo's letter of the 6th, (a copy of which is enclosed, marked E,) I replied to it by communication marked F.

Observing, previous to my departure from Buenos Ayres, in a New-York paper brought by a brig which had eluded the blockading force, that Lieut. Cooper, in the Porpoise, had departed that port for the coast of Brazil, and presuming he had instructions for me *definitely* on the subject of the blockade, I deferred acting as previously intended, until I could receive them. I therefore left the subject open, taking with me to Rio de Janeiro in the absence of force, the best *conditions and terms* I could obtain, produced by a friendly call I made Admiral Lobo, (who had just arrived from his anchorage with his squadron, several of them dismasted in a gale, which was severe and lasted 48 hours;) stating to him that the object of my visit was entirely intended to exchange our ideas on the subject of the blockade, and the effect to be produced on our commerce. He remarked it was not a measure of his, but of his imperial majesty the Emperor of Brazil; that he agreed with me as to the illegality of the measure, and, at my suggestion, would so far alter his previous proclamation, as to confine it to the Rio de la Plata, leaving open all outside; and that no vessel should be captured on first presenting herself in the river; when warned off, she had the right to enter any port outside. This condition was preceded by a remark from me, that I should take all the American vessels at Monte Video in convoy, and protect them to any port where the conditions we required (to constitute a regular blockade) were not complied with. On the 25th and 27th April, I addressed him two notes, enclosed and marked G and H. On the night of the 27th, Admiral Brown appeared with his squadron, attacked that of Admiral Lobo, leaving me as you may readily suppose, a little inconvenienced. I appeared one of them, and when his shot began to affect us, I got under way and separated about two miles from the combatants; after a most severe and desperate attack on the weathermost ship, a frigate of 60 guns, called the Emperatrice, the remainder of the squadron got under way, and stood off, leaving the squadron of Brown in close combat, who soon after withdrew, steering after the fleet of Admiral Lobo. We therefore have no information of him. The odds, as to ships and guns, are several hundred per cent. in favor of the Brazilians, yet the undaunted spirit of Brown and his followers seems to make up the deficit. Under the impression that Admiral Lobo would be absent some time,

I concluded to await a few days his return, in order to receive his written note. On the morning of the 4th inst. he arrived, and I was presented with the enclosed, marked I; I replied by the enclosed, marked K; and received for answer the enclosed, marked L; this opens to us an extent of coast 900 miles, which has been heretofore considered in rigorous blockade.

The accompanying communication marked M, is a copy of my note to the United States Consul at Monte Video and his reply.

The English and French naval forces restlessly acquiesce in the blockade with evidently disturbed feelings; they have millions at stake where we have only pounds. The Brazilians have a force of 250 pieces of cannon, which is quite enough to carry into complete effect the blockade; but its energies are so badly directed, that it is evaded almost daily by merchant vessels of almost all the various nations; and in order to extend the same terms, that were in the first instance offered to vessels found at Buenos Ayres on the proclamation of the blockade, by Captain Christivalier of the French national brig *Alacrité*, who arrived at Buenos Ayres on the 9th April, in a passage of two days from Monte Video, we are informed that Admiral Lobo would permit the French ship *Olinde*, which had passed unseen by his squadron, to take in a cargo with free permission to depart the port. I presume he will extend the same to all nations, thereby directly encouraging a violation of his own blockade.

Whilst Admiral Lobo remains in our position, off the Ortiz, Admiral Brown, with a temporarily fitted force, occupies the whole river La Plata, and, under the guns of Monte Video and Colonia, captures and runs on shore, burns and drives out and into port, both the naval and merchant vessels of his enemy. Whilst he is moving with great energy, his government seem to remain most completely inactive, waiting, as I am informed, the mediation of England, to close the difference with the Emperor of Brazil.

There are many diplomatic points in connexion with both nations on which I could enlarge, but I refrain, as I presume our accredited agents keep the government constantly advised of them. It may perhaps be proper to explain to you my motive in attempting the passage of the Rio de la Plata. I will briefly remark, that as I had visited the capital of his imperial majesty the Emperor of Brazil, in justice to his enemy I felt myself most imperiously called upon, under our strict neutral character, to show the *Cyane* before

Buenos Ayres, which, with some risk to her, I was enabled to do.

This evening I shall depart hence for Rio de Janeiro.

With great respect, &c.

J. D. ELLIOTT.

P. S. N. and O. are communications to Joshua Bowen and John M. Forbes, Esq.

The Hon. SAM'L L. SOUTHARD.

Sec'y of the Navy, Washington City."

" *U. S. Ship Cyane, off Ortiz Bank,*
April 3d, 1826.

Sir,—The undersigned, commanding the U. S. naval force on the coast of Brazil, begs leave to submit for the consideration of Admiral Lobo, commanding his imperial majesty's forces at the Rio de la Plata, a few remarks on the subject of the blockade, recently proclaimed by him, of the whole extent of coast of the republic of Buenos Ayres, and all those on the oriental side of the La Plata ; an extent of nearly *thirty degrees of latitude*.

The United States, just in her intercourse with the nations on both sides of the hemisphere, will expect a correspondent return. She has steadfastly contended for, and uniformly *sustained* the *point*, that she will not submit to the terms of a blockade of a whole coast of nearly *thirty degrees of latitude*, such as you have been pleased to set forth in your manifesto of the 21st December last ; and the undersigned begs leave to remark to Admiral Lobo, that whilst the United States will observe a strict neutrality between the parties in the present contest, she will most steadfastly and scrupulously defend a point which she has already waded through a bloody but a successful war in the maintenance of.

The intelligence of an officer vested with the command of a force of the magnitude of the present, it is presumed, will induce him to look into and search for information of those authorities which treat on international law, and can enlighten and illumine the mind. He will there have brought to his view the terms of the armed neutrality of 1780, which settled all those points amongst the different European nations. Great Britain, then the most powerful of the maritime nations in the world, in a convention with the empire of Russia, entered into in 1801, stipulated "that in order to determine what characterizes a blockaded port, that denomination is only given to a port where there is, by the dispo-

sitions of the power that attacks it, with ships stationary or sufficiently near, an evident danger in entering." It is needless to say that the other powers of Europe, as well as the United States, then the only independent one of the great western world, never having disputed the principles, could not otherwise regard it than as the established line drawn between all. It commenced with the present century, and it is equally clear that it must be so considered at this time; notwithstanding the violations practised in recent days. So satisfied with the correctness of this principle was the government of Great Britain, that, in the year 1804, in consequence of a remonstrance made by the American government against a declaration of a general blockade 'of the islands of Martinique and Guadaloupe,' proclaimed by the British naval commander, orders were issued to him 'not to consider any blockade of these islands as existing, unless in respect to particular ports which may be actually invested, and then, not to capture vessels bound to such ports, *unless* they have been previously warned not to enter them.' The United States will not acknowledge a blockade as valid against its civil marine, unless confined to particular ports, each one having *stationed before it* a force sufficiently great to prevent the entry of all vessels carrying materials to succor the besieged; and no vessel shall be seized, even in attempting to enter the port so blockaded, till she has been previously warned off, and the fact endorsed on her register. The undersigned will also avail himself of this occasion to express his regret that the representative of his imperial majesty should have found it necessary to adopt a course, in relation to the United States, so well calculated to disturb the harmony and good feelings which exist between the two governments; that whilst he has the disposition to present to Admiral Lobo an earnest of those feelings of his government, when she stepped forth *first* from among the nations of the earth, in the recognition of the empire of Brazil as amongst them, *free, sovereign and independent*, he will also insure him that indemnity will be claimed for, and, if necessary, the undersigned will feel himself called upon to bring into operation that arm of the nation's naval force placed subject to his control, in repelling, all improper encroachments on American vessels, and on her maritime and neutral rights. With great respect, &c.

J. D. ELLIOTT.

To his Excellency Don JOSE RODRIGO FERREIRA
 LOBO, Vice Admiral of the forces of his Imperial Majesty, the Emperor of Brazil."

*“ On board the Brazilian Corvette Liberal, at anchor
in the river La Plata, April 6, 1826.*

The undersigned, vice admiral and commandant of the naval forces stationed in the river La Plata, informs the ill^{mo}. sen^r. J. D. Elliott, commandant of the naval forces of the United States upon the coast of Brazil, that he has received his letter of the 3d of the present month, respecting the blockade which His Majesty the Emperor of Brazil has established before all the ports of the western bank of the river La Plata, as well of the eastern bank which are occupied by the enemy : these the undersigned intends to blockade, and those of the coast of Patagonia, to the bay of Branca ; and all those which are in Parava and Veraguay are to be considered blockaded by the ships which cruise in the river La Plata, because it is the entrance to them ; and in order to blockade a port, it is not necessary that one should always be in sight of it ; it is sufficient to cruise in that place which forms the entrance to it.—For example, the undersigned can blockade Buenos Ayres, being east of the Orteiz and Chico Bank ; and if he should wish to proceed from that place against Buenos Ayres.

The undersigned is impressed with the friendship which the cabinet of the United States bears towards the empire of Brazil, and hopes not to give here the least motive for dissention or misunderstanding between the two cabinets ; and he trusts no cause can offer why the two cabinets should have any disagreeable discussion, because nothing is more easy where there is a good understanding, than to conform to the established laws of blockade. The following has been the mode of proceeding with those ships of foreign nations, which the undersigned has sent away. Every time that I have met ships of foreign nations, I have communicated to them that the ports of the republic of Buenos Ayres were blockaded, and in their passports I have made a remark to the same effect. Until the present time all have submitted to the blockade, some voluntarily, and others with a little difficulty, except one American schooner, which, after being registered, entered the port of Monte Video when she cleared to double Cape Horn ; and after going out of the harbor, she entered the north channel and arrived in Buenos Ayres, and is now a schooner of war belonging to the republic of Buenos Ayres, and is called the Sarandi.

The undersigned judges that he has more than sufficient force to blockade all the ports of the river La Plata ; yet, until the present moment, he has not met any foreign vessels

but those bound to Buenos Ayres. And thus far I think I have fulfilled my duty on all occasions, whether in sight of Buenos Ayres or at anchor at the east end of the banks. By principles above established upon the mode of blockading ports, every vessel which shall violate the blockade after being duly warned of its existence, is liable to be condemned by established laws.

The undersigned judges that he has satisfactorily answered your letter of the 3d of April; if not, you will have to address the imperial cabinet at Rio de Janeiro.

The undersigned improves this opportunity to testify to his Honor, the commandant of the naval forces of the United States on the coast of Brazil, his highest respect and esteem.

RODRIGO JOSE FERRA LOBO,
Vice Admiral Brazilian Navy."

*United States Ship Cyane, Monte Video,
April 25th, 1826.*

Sir,—The very frank and free conversation I had with your excellency this morning, has greatly relieved my mind on the subject of the further leading you intend your blockade to have on the commerce of the United States; and I will be frank to say that my government *cannot* nor *will* not object to the proclamation of Buenos Ayres and Ensenada being in close blockade, and made so by the force you at present have in the La Plata, leaving the outer coast, and that of Patagonia and the northern coast of the Banda Oriental, not designated.

With high considerations, &c. &c.

J. D. ELLIOTT.

DON RODRIGO JOSE FERREIRA LOBO,
Vice Admiral, Brazilian Navy,
Commander in Chief of the naval forces in the Rio de la Plata."

*"United States Ship Cyane, Monte Video,
April 27th, 1826.*

Sir,—The undersigned would suggest to his Excellency, Vice Admiral Lobo, the propriety of our settling, previous to separating at this time, the grounds on which the blockade in the river La Plata should be conducted in relation to the commerce of the United States; this the undersigned feels well assured, will be productive of a continuance of those

harmonious feelings which at present exist in our respective governments.

With high consideration, &c. &c.

J. D. ELLIOTT.

DON RODRIGO JOSE FERREIRA LOBO,
Vice Admiral, Brazilian Navy,
commanding the naval forces in
the Rio de la Plata."

*"On board the Corvette Liberal, at anchor, in sight
of Monte Video, 27th April, 1826.*

Sir,—The undersigned, Vice Admiral, Commandant of the naval forces of the Empire of Brazil stationed in the river La Plata, acknowledges the receipt of two letters from Com. Elliott of the United States frigate Cyane, upon the blockade of the ports of the Republic of Buenos Ayres, as the manifesto of the undersigned declares, and which is approved by his government:

To which Com. Elliott does not accede in all its extent, and only admits the blockade to extend to Buenos Ayres and to Ensenada; and that all the rest of the ports ought not to be considered in a state of blockade; and upon this consideration the undersigned cannot agree with Com. Elliott, who claims that all the other ports within, and those out of the Rio de la Plata, should be excluded. The undersigned reminds Com. Elliott, that he (Admiral Lobo) maintained, in the conference which they had, that all the ports comprehended within the Rio de la Plata, that is, from the Capes of Santa Maria and Santa Antonio, were all rigorously blockaded.

The undersigned hopes he has satisfied Com. Elliott on this question; if not, he has only to direct him to the court at Rio de Janeiro, where he will be completely satisfied.

The undersigned would not grant that which would not be approved by his government. This is all which, on this occasion, remains for him to offer upon the subject in question.

The undersigned retains for Com. Elliott sentiments of the highest esteem and consideration.

RODRIGO JOSE FERREIRA LOBO,
Vice Admiral, Brazilian Navy."

"U. S. Ship *Cyane*, *Monte Video*,
May 4th, 1826.

Sir,—The undersigned has the honor to acknowledge the receipt of the communication of his Excellency Vice Admiral Lobo, of the present date, and in answer he has to remark, that he understood distinctly from your Excellency a declaration, at the conference to which you allude, that the blockade you intended hereafter to enforce was confined to the ports within the Rio de la Plata, and that the coast outside was no longer to be considered as in blockade. This was also the understanding of his officer, who had conference with your Excellency the succeeding day.

The undersigned has the honor, &c. &c.

(Signed)

J. D. ELLIOTT.

DON RODRIGO JOSE FERREIRA LOBO,
Vice Admiral, commanding the
Brazilian forces at the Rio de
la Plata."

"On board the *Corvette Liberal*, at anchor, in front of
Monte Video, 4th May, 1826.

I have received your note of this day concerning the ports which are considered as rigorously blockaded; they are those which are within the River La Plata, from Cape Santa Maria and St. Antonio, as well as the western and eastern banks of the river, except Monte Video; and this was always the understanding which I had in the conference with yourself, and no other form; and if you have understood it in any other manner, I am not culpable for it, because I have the misfortune of not understanding your language. I cannot be responsible for the mistakes which the interpreters sometimes may make.

You are aware that His Imperial Majesty having approved my manifesto; it is not in my power to destroy what has been published, and I have endeavored not a little to consider only in rigorous blockade the ports which I have mentioned above.

I have imparted to you all which offers itself on this subject.

I remain yours,

With much consideration and esteem,

RODRIGO JOSE FERRA^A LOBO.

Vice Admiral, Brazilian Navy."

"U. S. Ship *Cyane*, off *Monte Video*,
May 1st, 1826.

SIR,—There is still one letter of your Excellency to which I feel called upon to reply, in taking leave of the subject we have had under discussion. I will briefly remark, that I have not yet seen the grounds on which His Imperial Majesty presents the justice of his blockades of the extent you set forth in answer to my note of the 3d ult.; second, that because some of the European powers have attempted to introduce a system most pernicious to the commerce of non-belligerents, the justice of similar actions on the part of one of the youngest governments on this side of the hemisphere can by no means be made apparent. If there is authority, I should be glad to see it, and will submit for your further consideration some other on the subject of blockade, which is new to us on this side of the water, and requires great circumspection in the introduction of a system, which, in the end, may be quoted and used successfully against us. The following is of British origin, strengthened by reference to those able writers on international law, Grotius and Vattel.

'It is under this impression that tribunals of the law of nations, before they have enforced the provisions of a blockade, have uniformly required it to be established by clear and unequivocal evidence; first, that the party proceeded against has had due notice of the existence of the blockade, and secondly, that the squadron allotted for the purposes of its execution, was fully competent to cut off all communication with the interdicted port. These points have been deemed so indispensably requisite to the existence of a legal blockade, that the failure of either of them has been held to amount to an entire deference of the measure; and this even in cases where the notification of it has issued immediately from the fountain of supreme authority.'—*Chitty on Belligerent Powers and Neutral Rights*. Boston edition, pages 129, 131–2.

The blockade must not only have been declared by competent authority, but must be also an actually existing blockade. A blockade is there only to be considered as actually existing, when there is a power to enforce it. (y). 'The very notion of a complete blockade,' said Sir William Scott in the case of the *Sterl*,* 'includes that the besieging force can apply its power to every point of the blockaded state.

* *Mercurius*, 1 Rob. Rep. 80.

If it cannot, there is no blockade of that port where its power cannot be brought to bear.' We find, however, from the case of the *Frederick Molke*,* that 'it is not an accidental absence of the blockading force, nor the circumstance of being blown off by wind, (if the suspension and the reason of the suspension are known,) that will be sufficient in law to remove a blockade.' But if the relaxation happen not by such accidents as these, but by mere remissness of the cruisers stationed to maintain the blockade, (who are too apt, by permitting the passage of some vessels, to give fair grounds to others for supposing the blockade concluded,) then it is impossible for a court of justice to say that the blockade is actually existing. 'It is in vain,' said Sir William Scott in the case of the *Juffron Marid Schroeder*,† 'for governments to impose blockades, if those employed on that service will not enforce them; the inconvenience is very great, and spreads far beyond the individual case; reports are eagerly circulated that the blockade is raised; foreigners take advantage of the information, the property of innocent persons is ensnared, and the honor of our own country is involved in the mistake.'‡ This was decided in the Court of Appeal in February, 1792.

Perhaps I may be considered as travelling a little out of the strict path of my duty as a naval commander, when I present for your information these authorities on international law; but when one feels disposed not to call forth unpleasant discussion with our respective governments, there is always a hope when light can be shed, and this reference seems to meet the present case at issue.

I did not expect you would have introduced the case of the *Grace Anne*; it is one to which you may have supposed I had an allusion in the closing paragraph of my communication. She was a trading vessel belonging to citizens of the United States, from one of its ports destined for Buenos Ayres. Since the receipt of your note, the particulars of her case, as well as those of the brigs *Henry* of Portland, and the *Joseph* of Boston, have been presented to me through an official source. The former, it appears, was taken forcible

* 1 Rob. Rep. 86; 1 Rep. 93, 94, 147, 156; 1 Acton's Rep. 59.

† 4 Rob. Rep. 66; 1 Acton, 64-65; *Ld. Erskine's Speech*, 8th March, 1808, on the orders in council, 10 Cobbett's Parl. Deb. 949, 50.

‡ Rob. Rep. 156; *ibid.* 158, 159; 1 Acton's Rep. 59. See also Dr. Phillimore on License Trade, 52, in notes.

possession of, off the Ortiz, by your squadron, brought back to Monte Video, and there detained three days as a prize, and at the same time the master was denied all opportunity of having intercourse with the shore, or of communicating with the U. S. Consul; and she was farther detained full three weeks in your possession, on the pretext that she had more goods on board than was stated in the manifest of her cargo. The Henry was also boarded off Buenos Ayres, the vessel overhauled, the mate and one of the seamen most cruelly beaten; and the Joseph was also taken possession of off Montevideo, there held, the vessel drifted about by the current, and returned to the master, her geographical position not then known, and was eventually lost on the English Bank. These points are presented for your explanation. I will further beg leave to remark to your Excellency, it has always been admitted that when a blockade is established first on lawful principles, a trading vessel has a right to present herself before any force there, to be warned not to enter the port; should a further attempt be made, she may be taken possession of, and under the forms of a trial be condemned. It becomes a matter on which the vessel and cargo is forfeited. I am somewhat at a loss to perceive how your Excellency can believe your force stationed in the blockade of all the ports of the Rio de Plata according to maritime principles, being in a line parallel to a shore distant on one side thirty miles and on the other seventeen, and from the three most important ports more than one hundred miles—commanding the space between your buoys, where vessels may pass and repass unseen at their pleasure; instanced in the arrival at Buenos Ayres whilst my ship lay there, of an American, of a French, and of two English brigs, all richly laden.

Possessed of a fleet of nearly fifty sail wearing the flag of his Imperial Majesty, and now in the La Plata, Admiral Brown, from a declared blockaded port, with a temporarily fitted force of only six vessels, passes and repasses at pleasure in your presence, and within twenty miles of you, attacks and captures at Colonia and Monte Video, both his Imperial Majesty's vessels of war and also those of his subjects; this fact is instanced in the arrival, within the space of six days, of six prizes at Buenos Ayres.

On closing this, the undersigned begs leave to call your Excellency's attention to his former communication, setting forth the views of his government on the subject of block-

ade, and trusts they will meet with the entire approbation of his Imperial Majesty.

With high considerations, &c.

J. D. ELLIOT.

DON RODRIGO JOSE FARRO LOBO,
Vice Adml. Comdg. the Brazilian forces at the Rio de la Plata."

"At 8 A. M. moderate pleasant weather; at 9, discovered the vessels at anchor ahead to be the Brazilian blockading squadron, about 10 miles E S E of the S E end of the Ortiz bank; at 9 30, observed five vessels of war under weigh, standing towards us; at 10, made them to be one frigate, one corvette and three brigs; prepared for battle and showed our colors; at 11 shortened sail to the topsails, and hauled up for the Brazilian squadron under weigh; at 11 30, the frigate was on the lee beam at about 150 yards distance, two brigs on the lee bow, the other a little on the weather quarter, and the corvette astern and to leeward; at 11 40, hailed the frigate and asked her name; answered, 'His Imperial Majesty's frigate Maria da Gloria.' The name of our ship was then asked and given, succeeded by a demand that a boat should be sent. This demand was peremptorily refused by Captain Elliott, adding that a boat should never be sent from his ship, although one would be received; observed the guns of the frigate trained and tomponions out; kept the larboard guns on the main-deck manned for the frigate, and her consorts on the lee bow, and manned the starboard quarter-deck guns for the brig on the weather quarter; observed the brig on the weather shortly after drop astern; at 11 45, received a boat from the frigate and brig with two officers, who were introduced to Captain Elliott in his cabin, by whom he was informed that the port of Buenos Ayres was blockaded, and he could not be permitted to proceed. To which he replied that, if even he were to admit their right to proclaim the blockade of an extent of coast against a civil marine, he could not against neutral vessels of war; that both English and French vessels of war were in the habit of proceeding, almost daily, to and from Monte Video and Buenos Ayres, as instanced both in the British and French corvettes Fawn and Chasseur; that he would allow him thirty minutes to deliberate on his future actions, and at the expiration of that time he would proceed, prepared to

resist all consequences ; that the flag he wore carried under it the sovereignty of the soil it represented ; that violated, the soil became invaded ; and that he should defend his ship to the last moment. Captain Elliott further observed to the officer, that he had a communication for Admiral Lobo, which was requested. Captain Elliott declined giving it to the officer until he returned from his frigate and discovered her true character. At 12, the Brazilian boats left the ship ; during all this time the weatherly position of the ship was maintained, and every other precaution taken to resist, with effect, an attack from the squadron, which appeared to be meditated ; at 12 20, hailed the frigate to know if they had any further communication to make ; they answered by asking if Captain Elliott would send the Admiral's letters and papers : yes, was the reply, if you will send a boat ; at 12 45, a boat came alongside for letters and papers for the Admiral, with the compliments of the commanding officer to Captain Elliott, tendering every civility, and offering any supplies he might be in want of, with his best wishes for a speedy and pleasant passage to Buenos Ayres : Captain Elliott returned his compliments and thanks, adding that his ship was abundantly supplied with every necessary, and that all he wanted was a free and generous intercourse with all nations, concluding with an offer to be the bearer of any communication the commanding officer, or any other in the squadron, might have to make with Buenos Ayres ; at 1, the Brazilian boat departed ; bore up, passed within hail of the Brazilian squadron along their line ; made all sail for Buenos Ayres."

The Cyane mounted 34 guns, and was surrounded by a Frigate, a Corvette and three Brigs, and yet prepared for battle !! Had he any reason to expect an attack ? He was already informed of the paper blockade of two thousand miles of coast, of the Brazilian force off Monte Video, and of the pretensions advanced by the Brazilian government. Being then in the midst of a Brazilian force much greater than his own, he certainly had reason to expect an attack, if he showed any intention of disregarding the blockade ; and he certainly showed a disposition to resist, by refusing to send his boat to the Brazilian Admiral's ship.

On being informed that he could not be permitted to proceed, he replied to the commander of five ships, one of them being a heavy Frigate, that *he would fight his way!* This was bold language to be cast in defiance from a little Corvette of 34 guns, against a Frigate, a Corvette and three Brigs! A *coward*, or even a commander who would fight well upon equal terms, or with odds somewhat against him, would have complied with the demand to send his boat to the blockading squadron, would have turned away from the blockaded coast, and represented the affair to his government. But Captain Elliott is "made of sterner stuff" than to yield a point of national right or honor to what he deems unjust pretensions, by whatever force such pretensions may be asserted. He remembered the case of Commodore Biddle at Cadiz. Commodore Biddle had been sent to the Mediterranean in the Macedonian Frigate, in the summer of 1823, having on board Mr. Nelson, our minister to Spain, and Mr. Rodney, our minister to Buenos Ayres. His instructions from Mr. Adams, then Secretary of State, were, that he should proceed to Cadiz and land Mr. Nelson there, if that port should be open, or if the French squadron then understood to be blockading it should permit him to pass; but that if the French commander should refuse a passage, he should proceed to Gibraltar, land Mr. Nelson there, to find his way to the Spanish Court by land, and then sail with Mr. Rodney to Buenos Ayres. Commodore Biddle, thus bound by his instructions, claimed the right to enter, but being refused permission by the French commander, very reluctantly went to Gibraltar. Had not this gallant officer been bound by positive instructions, he would doubtless have insisted on *fighting his way*. That he could fight, and gallantly too, is proved by his capture of the British sloop of war Penguin, while commanding the Hornet, in March

1815. Thus was surrendered a great principle of the laws of nations, which declares that the port of a belligerent cannot be blockaded against the national ships of a neutral power. Very fortunately for the honor and interest of the nation, the hands of Captain Elliott were not tied by his instructions. The only instructions which he received were—to do nothing that would in the slightest degree compromise the honor or interest of the nation. He remembered this case of Commodore Biddle, and was resolved that so far as he could prevent it, a similar precedent should not be established on this side of the Atlantic. He was resolved to maintain the honor of our flag, or—perish! Had he left the coast, six months at least would have elapsed before he could have returned to the United States, and a force sufficient to resist this illegal blockade could have been sent to Buenos Ayres; and in the mean time, our commerce in the river La Plata would have been totally suspended. But by his energy and resolution, he not only saved the property of his fellow citizens, but successfully resisted a pretension completely at variance with the laws of nations, and which in part produced the war with Great Britain.

It is here proper to state what the reader may consider very remarkable. The *Cyane* was fitted out for one year's service, and on the expiration of the year, Captain Elliott was relieved by Captain Biddle in the Frigate *Macedonian*. He was furnished with a new set of instructions, which, had they been known by the Brazilian government, would have undone all that had been accomplished by Captain Elliott.

Having thus asserted the right of a neutral power to enter a blockaded port with a national ship, he sailed directly for Buenos Ayres, and arrived there on the 5th of April, 1826. He immediately signified his arrival to Mr. Forbes, the American Chargé d'affaires at

Buenos Ayres, to Admiral Brown, commander of the Buenos Ayrean naval forces, and to the military commandant of Buenos Ayres, and exchanged salutes with the two last on equal terms. While at Buenos Ayres, he was enabled to perform a signal service to Captain Pullen of the Brig Mohawk, from Baltimore. This gentleman, having very ingeniously eluded Admiral Lobo's blockading squadron, reached Buenos Ayres with a valuable ship and cargo, which he sold to the Buenos Ayrean government for \$70,000. Admiral Lobo declared that on Captain Pullen's return, he should receive a flogging at the gang way of the Brazilian flag ship. He applied for protection to Captain Elliott, who received him and his property on board of the Cyane, under an agreement to receive two and a half per cent. for the transportation of his specie, attended him on shore at Monte Video, saw all his business transacted, and when off Rio de Janeiro in May following, placed him on board of an American ship. On leaving the Cyane, Captain Pullen tendered to Captain Elliott the commission of two and a half per cent. allowed by law to the commanders of our national ships for the transportation of specie. Captain Elliott replied that he found a countryman in distress, and had a sufficient reward in the pleasure of relieving him; and tore up the bill of lading of the specie and threw it overboard.

In the latter part of June, he sailed from Rio de Janeiro, in company with the corvette Boston, under command of Captain Hoffman, on a second expedition to the La Plata. While leaving the port, he was visited by an officer of the Imperial Army, saying that a deserter, an Austrian soldier in the Brazilian service, was on board. Believing that the man was not on board, he replied that he could not be detained, but that if the man should be found, he should be sent on shore upon the return of the ship to Rio de

Janiero. He was then informed that the ship must be detained within the batteries until the man was delivered up. He replied that no detention whatever would be submitted to. When two days out, he discovered a defect in his mainmast, which compelled him to return. Soon after sailing, he had discovered this Austrian soldier on board, and resolved to deliver him up on the ship's arrival; but knowing that the punishment of death would be inflicted on the man, if delivered unconditionally, he stipulated for his pardon and personal safety. This led to the following correspondence between Captain Elliott and the commander of the corps to which the soldier belonged.

“MONSIEUR LE COMMANDANT:—Still more convinced of the nobleness of your sentiments, from the honorable manner in which you have just acted, it is with the greatest satisfaction I give you the assurance that from personal respect to you, the soldier Schernir, of the 3d regiment of battalion, which I have the honor to command, shall not be punished.

No person can be more certain than myself, that neither by your command, nor the design of any other of the very much esteemed American officers, will any Brazilian soldier be induced to desert; on the contrary, you have given me a sufficient example of your disapprobation of such conduct in the circumstances which have just occurred, and which would not have taken place but for the acts of a bad subject, of whom the person to whom they principally relate was formerly the domestic.

Receive, Sir, the assurance of the highest consideration with which I have the honor to be

Your most humble and ob't ser'vt,
Le CHEVALIER EDW'D d'EWALD,
Major Commanding the 3d Regiment
of the Grenadiers and 1st of the Line.

10th July, 1826.”

“U. S. Ship *Cyane*, *Rio de Janeiro*,
July 12th, 1826.

MY DEAR SIR:—Your highly gratifying favor of the 10th inst. I have had the satisfaction to receive and now have the honor to acknowledge.

The generous manner with which you met my intercession in behalf of the man who had, *unknown to me*, secreted himself in my ship, tends greatly to enhance the already justly high opinion I had entertained of the German character.

The high military reputation with which you have so nobly existed in honorable combat, and the promptness with which your heart has been opened in extending the hand both of *charity* and *forgiveness* to a *poor soldier*, must leave you in possession of a feeling more easily imagined than described.

Receive therefore my best wishes,
And permit me to subscribe,
Truly your friend,
J. D. ELLIOTT.

(Signed)

CHEVALIER EDWARD D' EWALD,
Major Commanding the 3d
Regiment of Grenadiers and
1st of the Line."

On his arrival at Monte Video in the latter part of December, 1826, he learned that the Armstrong, the Pactolus and Homer, three American vessels, the two former belonging to Boston, the other to Baltimore, and bound for Buenos Ayres, were detained by Admiral Pinto Guedes, commander of the Brazilian Blockading Squadron. He immediately addressed a note to the Admiral, inquiring upon what pretext these vessels were detained. The Admiral replied that he considered them lawful prizes, they having cleared from Santos in Brazil, for Valparaiso, and yet attempting, with Brazilian produce on board, to enter Buenos Ayres, an enemy's port, and blockaded; but that he had given orders for their release before the reception of Commodore Elliott's note; he being willing to suppose that they might have received some erroneous information about the raising of the blockade, and therefore sailed for Buenos Ayres under incorrect impressions of the existing state of things. He then set forth some views upon the subject of

blockade, and the right of ships of war to search the merchant vessels of neutral nations, for contraband articles. Captain Elliott replied by politely acknowledging the promptitude with which he had spontaneously released these vessels, and by waiving any discussion upon the subject of neutral rights, he being only an *Executive* officer of the United States, and having already settled such points with Admiral Lobo, the predecessor of Admiral Pinto Guedes. Thus, by his firmness and energy, did he a second time protect the commerce of the United States against unfounded pretensions.

In this negotiation, Captain Elliott displayed no little address. The Brazilian Government might have insisted upon retaining these vessels as lawful prizes; for as Buenos Ayres was then a blockaded port, their attempt to enter it was a violation of belligerent right. Their having sailed from a Brazilian port without knowledge of the blockade, was no excuse; and their having cleared *for* a neutral port, and then carrying their cargoes to the port of a belligerent at war with Brazil, was an aggravation of their case. But Captain Elliott wished to concede no point that could afterwards be used as a precedent against American vessels; his object being to protect our commerce. He therefore very adroitly waived all discussion upon neutral and belligerent rights, and applied for the release of these vessels as an *executive* officer. Admiral Pinto Guedes doubtless inferred that the very points upon which he would have insisted in discussion upon national rights, had been conceded to Captain Elliott by his predecessor, Admiral Lobo.

The mainmast, to repair which he had returned, after being two days out from Rio de Janeiro, was taken to the Emperor's dock yard. The Emperor, who was remarkable for the close personal attention

which he gave to all departments of his government, and all works of a public character, saw this mast, and discovered that it had been shortened 11 feet from the top. Ascertaining that it had belonged to the *Cyane*, he immediately ordered a mast to be taken out of a Brazilian ship of the same size as the *Cyane*, and with his compliments, tendered to Captain Elliott. This offer was politely refused by Captain Elliott, who, apprehending some difficulty with the blockading squadron at Monte Video, did not wish to receive an obligation from the Emperor which might excite embarrassing feelings.

Immediately before his departure from Rio de Janeiro on his return to the United States, the Emperor offered him an Admiral's commission, with the highest salary which any officer could receive in the naval service of the Empire. To this he replied that his father was a soldier who had given his own life to his country, and bequeathed two of his sons to it as a legacy; that *he* was one of those sons; that he had attained the highest rank and honors that could be given in the American navy, and that he would not give one timber head of that navy for all other navies in the world.

On the first of June, 1826, while the *Cyane* was at Rio de Janeiro, some sailors deserted from the French Frigate *La Seine*, commanded by Commodore Du Plantys. The French commander sent one of his Lieutenants on board of the *Cyane*, to obtain permission of Captain Elliott to search some American merchant vessels, then ready to sail from Rio de Janeiro. Captain Elliott replied that under no circumstances whatever would such permission be given; that he trusted the French commander had too great a sense of propriety to urge the measure; and that should he do so, the attempt would be forcibly resisted. He immediately made every preparation for resist-

ance, and the French commander, seeing his determination, abandoned the point.

In June, 1827, Captain Elliott arrived at Philadelphia, delivered his ship to the naval establishment there, and joined his family at Carlisle. Here he remained till 1829, engaged in agricultural pursuits; for *at home*, Captain Elliott is a Pennsylvania farmer. Well may this great and patriotic State be proud of her distinguished citizen, who, like another Cincinnati, can seek repose from fighting the battles of freedom, by cultivating the soil with her enlightened and high-spirited yeomanry.

CHAPTER XV.

Cruise on the Coast of Mexico, and in the West Indies, from 1829 to 1832.

IN 1829, President Jackson being informed that the Spanish government intended to blockade the coasts of Mexico and Campeachy, appointed Captain Elliott, of whom he had long been a friend, and upon whom he knew that reliance could be placed in difficult emergencies, to command the squadron destined for the West India station. On the 25th of September, 1829, he sailed from New-York in the *Peacock*, the flag ship of the squadron, which consisted of five sloops of war and two schooners. After getting under weigh, he drew up a set of instructions for the officers of the squadron, which were transmitted to the Navy Department from Pensacola, about the last of October. As these instructions exhibit Captain Elliott, not only as an accomplished seaman, but a skilful diplomatist, extracts from them are here offered to the reader.

General Instructions and Confidential.

SIR:—The ship you command being placed by the Hon. the Secretary of the Navy under my orders, your official communications will in future be addressed to me. Should you, however, at any time when cruising separately, have important communications to make to me, you will forward copies thereof to the Secretary of the Navy; it being desirable that the earliest information be communicated to him.

In consequence of the many and frequent unlawful depredations committed by unlicensed cruisers, as also by those persons denominated pirates and enemies to the human race, the Government of the United States have deemed it

necessary to employ an adequate naval force in the West Indies and the Gulf of Mexico, and have confided it to me. Our efforts to afford a proper protection must be zealous and unceasing.

A principal and vexatious source of annoyance to our commerce will probably grow out of proclamations of blockade. Proclamation of itself does not constitute a lawful blockade. It is an established principle of International Law, that such a force must be employed in supporting it as will render an attempt to violate it extremely hazardous, and deny to the port so blockaded all ingress and egress; and our Government will expect that our unsuspecting countrymen, not charged with articles contraband of war, will have a timely warning. The legality of blockade will therefore depend upon circumstances, which sometimes vary, and respecting which beforehand we cannot have accurate information. We are bound moreover to presume, where the capture is legally made, until the contrary is made to appear, that every neutral, seized for an alleged breach of blockade, will have a fair and just trial, and be adjudged by the belligerent according to the recognized principles of the Laws of Nations. In case, therefore, of meeting at sea an American vessel under a lawful seizure for an alleged breach of blockade, you will not molest her, but suffer her to be carried in for trial. Should any illegal condemnation take place, I will then decide on the propriety of directing you to release all similarly situated and thus detained by a belligerent. That you may be enabled fully to understand the nature of our relations with Spain on this particular subject, I here take occasion to enumerate two articles, the 15th and 16th of a treaty between the United States and the King of Spain, concluded October 27th, 1785, and ratified March 3d, 1796, which have an immediate reference to this subject, and are as follows:

“Art. 15th. It shall be lawful for all and singular the subjects of his Catholic Majesty, and the citizens, people and inhabitants of the said United States, to sail within their ships with all manner of liberty and security, no distinction being made, as to who are the proprietors of the merchandizes laden therein, from any port to the places of those who now are, or hereafter shall be, at amity with his Catholic Majesty or the United States. It shall be likewise lawful for the subjects and inhabitants aforesaid to sail with the ships and merchandizes aforementioned, and to trade with the same liberty and security from the places, ports and ha-

vens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same prince, or under several; and it is hereby stipulated that free ships shall also give freedom to goods, and that every thing shall be deemed free and exempt which shall be found on board the ships belonging to the subjects of either of the contracting parties, although the whole lading or any part thereof should appertain to the enemies of either; contraband goods being always excepted. It is also agreed that the same liberty be extended to persons who are on board a free ship, so that although they be enemies to either party, they shall not be made prisoners or taken out of that free ship, unless they are soldiers, and in actual service of the enemies.

Art. 16th. This liberty of navigation and commerce shall extend to all kinds of merchandizes, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods, shall be comprehended arms, great guns, bombs, with the fuses and the other things belonging to them, cannon-balls, gunpowder, matches, pikes, swords, lances, spears, halberds, mortars, petards, grenades, salt petre, muskets, musket balls, bucklers, helmets, breast-plates, coats of mail, and the like kind of arms proper for arming soldiers, musket rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandizes which follow shall not be reckoned among contraband or prohibited goods, that is to say: all sorts of cloths and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever; all kinds of wearing apparel, together with all species whereof they are used to be made; gold and silver as well coined as uncoined; tin, iron, copper, brass, coals; as also wheat, barley and oats, and other kind of corn and pulse; tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts; and in general, all provisions which serve for the sustenance of life; furthermore all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloths, anchors, and any parts of anchors; also ships masts, planks, and wood of all kinds, and all other things proper either for building or repairing ships, and all other goods whatever, which have not been worked into the form of

any instrument prepared for war by land or by sea, shall not be reputed contraband ; much less such as have been already wrought and made up for any other use ; all which shall be wholly reckoned among free goods ; as likewise all other merchandizes and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods ; so that they may be transported and carried in the freest manner by the subjects of both parties, even to places belonging to an enemy, such towns or places being only excepted as are at that time besieged, blocked up or invested. And, except the cases in which any ship of war or squadron shall, in consequence of storms, or other accidents at sea, be under the necessity of taking the cargo of any trading vessel or vessels, in which case they may stop the said vessel or vessels, and furnish themselves with necessaries, giving a receipt, in order that the power to whom the said ship of war belongs may pay for the articles so taken, according to the price thereof, at the port to which they may appear to have been destined by the ship's papers ; and the two contracting parties engage that the vessels shall not be detained longer than may be absolutely necessary for these said ships to supply themselves with necessaries ; that they will immediately pay the value of the receipts, and indemnify the proprietor for all losses which he may have sustained in consequence of such transaction."

To the foregoing articles of the treaty of 1795, may be added article 12th of a subsequent treaty, concluded on the 22d Feb. 1819, and ratified on the 22d Feb. 1822, which will be found to confirm conditionally the preceding ; and is as follows : The Treaty of Limits and Navigation of 1795 remains confirmed in all and each of its articles, excepting the 2, 3, 4, 21, and the second clause of the 22d article, which, having been altered by this treaty, or having received their entire execution, are no longer valid. With respect to the 15th article of the same Treaty of Friendship, Limits and Navigation of 1795, in which it is stipulated that the flag shall cover the property, the two high contracting parties agree that this shall be so understood with respect to those powers who recognise this principle ; but if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose government acknowledge this principle and not of others.

Thus you will perceive that the concession is not fully complied with in the absence of a treaty with Mexico. Yet

when the fact is taken into consideration that the officer commanding the Mexican naval forces, whilst operating on the coast of Cuba, has invariably recognized this article when the American flag waved over the property of the subjects of His Most Catholic Majesty, the King of Spain, room will be left for the exercise of a little diplomatic skill, which I trust you will not fail to employ.

Our relations with both the governments of Spain and of Mexico and the other South American States being friendly, we must, so far as may be consistent with the maintenance of our just rights and the national honor, endeavor to avoid compromising those relations. The belligerent parties are entitled to equal rights from us. We must observe strictly our neutral character. Acts of kindness to either, though extended equally to the other, may be misconstrued or misrepresented to the prejudice of the United States. Should favors therefore be asked, you will decline, and assign as your reason for so declining, that your orders are peremptory, not to compromise the neutrality of your government.

It will readily occur to you that considering the situation in which we stand in relation to Spain and the South American States, the authority given under the Act passed by Congress, and having for its object the suppression of piracy, must be exercised with the utmost caution and prudence by our public armed vessels. The law being under the execution of the President of the United States, your conduct will be regulated by your instructions, although they may not go to the full length the law might possibly warrant.

Under the second section of the Act, authority is given to subdue, seize, take and send into any port of the United States, any armed vessel or boat, the crew whereof shall be armed and shall have attempted or committed any piratical aggression, search, restraint, depredation or seizure, upon any vessel of the United States, or of the citizens thereof; or *upon any other vessel*. From the generality of this latter description of vessels, it would seem to embrace those of every nation or country upon which any piratical aggressions may have been committed. Admitting the Act might be extended thus far, it does not appear to have been the general object of the law; and it is thought by the President most advisable at present, not to give it a like indiscriminate piratical construction as to all vessels. The great object, as pointed out in the first section of the act, was to protect the merchant vessels of the United States and their crews from piratical aggressions. This will therefore be considered your particular and special duty. If, however, you shall

discover depredations upon other vessels, committed under such gross and aggravated circumstances as to leave little doubt of their piratical character, it will be your duty to capture and bring in the aggressors. It is thought most advisable thus to distinguish in your instructions, because, among other considerations, it will be seen that under the second section of the Act, you are only authorized to retake *vessels of the United States or its citizens* which may have been unlawfully captured upon the high seas. No authority is given to *retake* the vessels of any foreign nation or country. You will also perceive, under this second section of the Act, authority is only given to subdue, seize and take, such vessels or boats, &c., as shall have *attempted or committed* some piratical aggression. Whatever well grounded suspicions you may entertain that a vessel may have been fitted out, for, and is intended to be employed in such depredations, you will not molest her, unless you have satisfactory evidence that she has either *attempted or actually committed* some piratical aggression on some merchant vessel of the United States, or her crew, or upon some other vessel under the special circumstances abovementioned. This is to be considered an important and a leading regulation in your conduct; as it will be a strong and almost controlling circumstance, (considering we are at peace with all the world,) in making up your judgment whether you are safe and justified in treating them as pirates. Whenever, therefore, you shall find any boats or vessels, the crew whereof have committed any actual violence, outrage or depredation upon any vessels of the United States, or the citizens thereof, or any other vessel as abovementioned, you will consider yourself authorized to subdue, seize, and take them; and unless on such capture you shall be satisfied that they have been acting under some lawful authority, and not piratically, to send them in for adjudication, accompanied by the proof of their guilt. All captures made by you will be sent into one of the following ports; Boston, New York, Norfolk, Charleston, Savannah, or New Orleans.

You have also enclosed such parts of the several Acts of Congress prohibiting the importation of slaves into any ports or places within the jurisdiction of the United States, as are necessary to point out to you your duty and authority under these laws; and it is expected and required of you that a strict and vigilant attention be paid by you to the directions therein contained, that if possible, this inhuman and disgraceful traffic may be suppressed.

By the Act of the 20th April, 1818, you will perceive that it is unlawful to import or bring in any manner whatsoever, into the United States, or Territories thereof, from any foreign kingdom, place or country, any negro, mulatto, or person of color, with intent to hold, use, or dispose of such person as a slave, or to be held to service. By this Act, it is also made unlawful for any citizen of the United States, or other person, to build, equip, load, or otherwise prepare any ship or vessel to sail from any port or place whatever within the jurisdiction of the United States, for the purpose of procuring and transporting any such slave to any port or place whatever. And any ship or vessel employed in such importation of slaves, or so built, fitted out or prepared, is liable to be seized and forfeited.

And by the Act of the 3d of March, 1819, the President is authorized to employ any of the armed vessels of the United States to cruise in such places as he may think proper, where he may judge attempts may be made to carry on the slave trade, by citizens of the United States or residents thereof, in contravention of the Acts of Congress prohibiting the same; and to instruct such armed vessels to seize, take, and bring into any port of the United States to be proceeded against according to law, all such ships or vessels of the United States, wheresoever found, which may have taken on board, or which may be intended for the purpose of taking on board, or of transporting, or may have transported, any negro, mulatto, or person of color, in violation of any of the provisions of the Act of the 20th April, 1818, above referred to, or in violation of any other Act or Acts prohibiting the traffic in slaves.

You will perceive from the generality of the provisions in these laws, that you are authorized to take and bring in all ships or vessels of the United States which may have been in any manner employed, or intended to be employed, in the slave trade, or any other vessel offending against the provisions of any of the laws you have enclosed.

You will particularly notice the two provisions of the first section of the Act of 1819, the former of which directs in what manner you are to keep and dispose of the slaves which may be found on board of any ship or vessel seized by you. If brought within the United States, they are to be delivered to the marshal of the district where brought in; and the evidence of such delivery transmitted to the Navy Department. It is the wish of the President, however, that none should be brought into the United States. Upon the

capture, therefore, of any vessel having slaves on board, you will immediately place on board competent officers and men, with provisions, medical aid and medicines, and with her proceed to the Island of Sherbro, on the coast of Africa, and deliver such slaves to the agent appointed by the President to receive them, or to any other agent so appointed at any other place on the coast of Africa, pursuant to the provisions of the Act. Secure the officers and men so captured, on board your ship, and after the delivery of the slaves, repair to one of the enumerated ports of the United States. Having landed your prisoners with the necessary proof of their condemnation, resume your previous position, or report to me at Pensacola or off the Havana.

The second provision relates to the disposition of the officers and crews of such vessels so captured by you. Great vigilance will be expected from you in the safe-keeping of all such officers, until they are handed over to the civil authority, to be proceeded against according to law.

You will also observe that by the 5th section of this Act, it is made your duty to bring any vessel and her cargo, which you may capture, into some of the ports of the state or territory to which the captured vessel may belong, if you can ascertain the same. If not, then into any convenient port of the United States.

Upon entering any port, be prepared to observe the usual courtesies. In the interchange of salutes, receive gun for gun ; and in all your intercourse with the public functionaries, I recommend conciliatory and respectful deportment. In case of meeting at sea any man of war, show the accustomed civilities ; and should a belligerent commander ask to see your commission on board your own ship, for the purpose of satisfying himself of your national character, you will show it, demanding at the same time a sight of his commission. In like manner, when you require to see the commission of any armed vessel you may board at sea, first show your own. But as we cruise only against pirates, I would require to see the commissions of such vessels as there may be reason to suspect of being piratical. It might be expected from the vigilance of our cruisers in the West Indies, that piracy would have been expelled therefrom. But men accustomed to this atrocious line of life become incapable of honest industry, and can live only by plunder ; and it is probable that as they are driven from one point, they seek another, and thus change the scene of their atrocities.

You may receive on board specie and the other articles enumerated in the Acts of Congress for the better government of the navy, on the usual terms and conditions, and convey them from one port to another, provided it does not in any manner interfere with your other duties, or violate the laws of the country from which they are exported. To enable me to inform the government how far our citizens are benefitted by the transportation of their specie in the public vessels, you will report to me from time to time, all specie and other articles you may receive on board, the places to and from which they are carried, together with the terms and conditions under which you carry them.

Too much publicity is often given to the destination and the object of our public vessels. To the agents of our government at different ports, and to our citizens who may inquire with a view to their commercial operations, I would communicate my destination; but I would, in general, not communicate to others. A man of war is always bound upon a cruise; and such an answer may prevent from foreigners an application which it might be improper to grant and embarrassing to refuse. I must also require that you will forbid communications to be made by your officers relative to the movements of your ship, and designed for the public prints. The frequent misrepresentations in these journals, arising, no doubt, from a want of knowledge of the whole facts on the part of those who write, have caused misconceptions. The government will always have full and accurate information, and will doubtless communicate to the public, whatever it may concern the public to know.

As you have more than your complement of officers, I do not anticipate the necessity of your appointing any to act. They are therefore not to be made without absolute necessity, and then only with the express condition that such appointments cease with the necessity which caused them. While in company, I must be the judge of that necessity; and if on your return to the United States, any officer under your command holds an acting appointment, you will without delay acquaint the Secretary of the Navy therewith for his decision as to confirming or revoking it. It has sometimes occurred that officers have received acting appointments when abroad, which, without the knowledge of the Navy Department, they continue to hold many months after their return to the United States. None other than those regularly appointed, and under an article to be obedient to the

laws of the navy, will be permitted to be on board your ship.

Officers have sometimes been arrested and sent home from foreign stations, under the necessity of waiting the return of the ship to which they have belonged, before an investigation could take place; which has caused much inconvenience to the service as well as expense to the nation. Officers should not be arrested except upon serious charges, and the clearest evidence to substantiate them. Should you be under the necessity of suspending any officer under your command, make it known to me immediately; or in case of our being separated, as soon as we join. But in no event send an arrested officer to the United States without my previous sanction.

Here I cannot omit to mention that any disposition you may observe for personal rencontres will be discountenanced; the occurrence of which will bring on those engaged not only the strong animadversion of their commander in chief, but also the marked disapprobation of the distinguished individual presiding over the affairs of our nation.

I have to suggest that every facility for acquiring a competent knowledge of their duties be presented and pointed out to the young gentlemen placed under your care. They are merely in possession of that passport which will recommend them to the permanent rank of the navy, and in departing towards them, it should be recollected that they are destined at some future day to fill the higher grades of the navy.

Having on board your ship a number of small boys, I will suggest the propriety of selecting a portion of them who shall perform the office of messengers, thus substituting them for many of the present offices performed by midshipmen. The former being in a manner destitute, many of them probably orphans, and not having had the advantage of established preceptors to direct their minds to the attainment of a knowledge of our own language, doubtless you will find amongst the crew of your ship a person competent to give them this instruction; and I would here earnestly hope that countenance should be given on your part towards the organization of a school, having for its object the desired end. It is important that the officers be made thoroughly acquainted with the character, disposition, temper and habits of every petty officer, seaman and marine. This can only be obtained by unremitting attention to every detail of duty and by close observation.

Thus the service at large will derive from the adoption of these measures towards the seamen, a system of command and treatment which will be free from coarse and offensive language, too often used in reproving the men for trifling irregularities or for accidental omissions. They should be made to know that the use of gross language and offensive terms, upon any occasion, is not only unbecoming their own character and station as officers and gentlemen, but equally degrading to the seamen. Whereas it is necessary to keep up in all ranks of the navy a proper feeling and a high sense of honor, by which the correct discharge of duty will be best secured. The gross abuse which is often lavished on a seaman for a minor fault, an accidental mistake, or an unintentional omission, produces irritation; and to this cause more than any other, may be traced acts of insubordination which entail the necessity of severe punishment. If reproof be necessary, it should be conveyed in such terms, and in such manner, as will make a lasting impression, without wounding the feelings of the individual and lowering him in his own estimation. The officers should not only themselves observe this injunction, but they should require it to be observed by all others. Their example will very soon have the effect of checking the use of improper and offensive terms on the part of their subordinates, and equally so, of those, their subordinates. If acts of intentional neglect and insubordination should take place, although wholly unprovoked by any treatment received, the means of correction and punishment, which are authorized by the regulations of the service, must be resorted to; and they will have double effect, if not preceded by coarse and abusive language. Indeed it will probably be found they will become comparatively rare, as the duty will be done more cheerfully and zealously. The popularity of a ship with the crew depends materially upon the care with which they will perceive the officers disposed to guard their interests and look into their wants. I will therefore have to require that you will ascertain the smallest quantity of the article of slops and of small stores to which their necessary wants may incline; but on no account suffer more to be served them by the purser than will suffice. All articles designed to substitute slops will be charged at their advance.

At the expiration of each three months, you will be pleased to cause your purser to make to me, through you, a return of all the articles on board, including provisions, slop clothing &c.; the quantity furnished, the amount charged, and the

cost; the sums due; the quantity of parts of rations undrawn by both officers and men, together with the amount he may have charged in money, and the excess or deficiency then on board, with an assignment of the cause producing the same.

A similar return of the quantity of articles appertaining to the several departments of the various officers belonging to your ship, together with their disposition and actual condition, will be also expected at the expiration of each three months.

The efficiency of a ship of war for service depends essentially on the health of the crew; and I cannot too strongly enjoin attention to this point, while on this station; recommending in each port you may enter, a stay only sufficiently long to obtain the necessary supplies for your ship.

A general order of the Hon. the Secretary of the Navy calls for an experiment on board each ship in the fleet, of an application of the chloride of lime. This you will be pleased to place in the hands of your surgeon, who will make a proper disposition of it, and whom you will instruct to make a quarterly report of the same to me, as well as of all persons sick, including both officers and men.

The government have also deemed it necessary to test the quality of cotton canvass, and will place on board the ship you command, a proportion of the sails manufactured from it. You will make a fair experiment, and from time to time report to me their state and condition comparatively with the hempen canvass.

The extent to which our navy has grown, necessarily involves the nation in a very considerable expenditure of funds for its support. I have therefore to request that articles for the use of the ship you command be required with economy, and expended with a proper accountability. Adequate funds being placed at Pensacola, you will be supplied with them, and are therefore not at liberty to draw on the government elsewhere.

The growing importance of Key West as a place where a considerable amount of the public revenue accrues, renders it necessary that you should have an eye there. While cruising therefore in the vicinity, you will touch occasionally, with a view to the enforcement of the revenue laws; all of which, together with the disposition to be made of prizes, you will find enumerated in the various Acts of Congress applicable to the subject.

Our seamen are a valuable class of our citizens, and whom

the laws wisely and humanely consider entitled to the special care of our Government. I must therefore call your attention to their protection, where you find them in want of it. When in port or at sea, you shall find them in a diseased state, you will cause the medical officer of your ship to minister to each of their wants commensurate with his means.

Piety being the strongest characteristic which marks all those who are found most correct in the discharge of duty towards their fellow-men, it is expected you will adopt such means as are within your reach to instil this principle into the minds of your ship's company.

It being important that the Hon. Secretary of the Navy should be made acquainted with the character, professional qualifications, temper, habits, deportment, acquirements and abilities of each of the officers belonging to the squadron, you will communicate to me semi-annually, your estimate of those under your command. At the same time you will report to me the state and condition of your ship.

All correspondence with the Department you will be pleased to have passed through me. Within the range of your cruise, should it be in your power to add to the agricultural, mineralogical or botanical information of your country, you will be subserving its best interests in doing so.

Reposing a generous confidence in your judgment, discretion and prudence on points not enumerated in these instructions, having for their object the national welfare,

I am very respectfully,

Sir, your obedient servant,

J. D. ELLIOTT.

To the different Officers in Command of vessels composing the West India Squadron.

October 28, 1829.

While before Vera Cruz in November, 1829, he learned that an outrage had been committed by two Mexican gun-boats upon the brig Ajax, an American vessel, while lying in the harbor of Sisal on the coast of Campeachy. He immediately despatched the sloop of war Erie, under command of Captain Cowper, to Sisal, to inquire into the case, and to demand not only redress, but security for the future; with instructions

to inform him immediately, should any other force than the Erie be required.

Shortly after this, he learned that an American seaman had been impressed from the ship *Virginia*, of New-York, while the same was lying in the harbor of Vera Cruz, by order of Admiral Lopez, commander of the Mexican naval forces in that port. He immediately addressed a letter upon the subject to Admiral Lopez, which, together with the subsequent correspondence between them, is here offered. From this correspondence the reader will learn all the important facts in the case, and the result of the prompt and energetic behavior of Captain Elliott.

*“ U. S. Ship Falmouth, off the Island of Sacrificios,
December 26th, 1829.*

SIR,—The undersigned, commanding the United States naval forces in the West Indies and Gulf of Mexico, takes this occasion to address to Captain Francis Paula Lopez, commanding the Mexican naval forces at Vera Cruz, a few remarks on the subject of the seaman Lewis, a citizen of the United States, who had some time since been impressed into the naval service of Mexico, and more recently from on board the merchant ship *Virginia*, of New York, while in this port, conducting a lawful trade, and conforming to all the laws adopted for the regulation of commercial intercourse.

Whilst the undersigned expresses his regret that the interposition of his military authority should have been necessary, from the failure of the application of the accredited agent of the United States at Vera Cruz, in obtaining the release of the seaman in question, he would remark that the seamen of the United States are a class of her citizens on whom the Government, the Nation, and more particularly the Navy, look as highly valuable, and entitled in an eminent degree to their protection and consideration; whose industry in times of peace supplies the Government with pecuniary means, and whose blood flows copiously in conducting its defence.

The undersigned regrets that he had not been apprised at an earlier moment of all the circumstances attending this case, which would have imperiously required him to have

seen the wrong properly redressed by the same hand which had inflicted the injury, previously to the departure of the Virginia from Vera Cruz, for the port of New York.

Possibly all the facts connected with the impressment of the person whose liberty has been demanded and obtained from you, may not have been fully presented to your view. Under this supposition, the undersigned takes occasion to state that sometime since, Lewis became impressed into the naval service of Mexico, whilst invaded by a foreign enemy. During the time he was impressed, he sought an opportunity of returning to his native country, and embarked in the ship Virginia, of New York, for the United States. On board of this ship he was arrested, and taken by violence to the Congress ship of the line, by an officer acting under presumed authority. Since then he has been fettered in chains, and the more publicly to expose his arbitrarily assumed guilt, has been employed in the execution of a degrading duty on shore. In this situation he throws himself personally on the protection of the United States' Consul, who demands his release, but whose demand is rejected.

The recital of these circumstances has excited feelings which the undersigned forbears to express. Those sentiments, in the production of which the subject is so fruitful, which would be unpleasant to him to communicate, and to yourself to hear, he will suppress while conferring with the representative of a sister republic, which, in its infancy, his government has cherished, and in its maturer age has patronized and encouraged, which at this moment is disturbed with internal commotion, and threatened by an enemy from abroad. Bearing in mind the friendly disposition of his country towards the Republic of Mexico, the undersigned has been prompted to extend every courtesy, which you will do him the justice to say you have received at his hand, as well as from those acting under his authority, since his arrival on your coast.

The undersigned hopes that the officer in command of the naval forces of Mexico at Vera Cruz, will be enabled to render such an explanation on this subject as will amount to a redress of the wrong complained of, and convey an assurance that there will not be a recurrence of the same.

With all due consideration,
the undersigned has the honor
to subscribe your obedient,
J. D. ELLIOTT.

“ Department of Marine of Vera Cruz.

The Consul of the United States of the North verbally claimed from me the seaman John Lewis, who was confined for a proven theft, and of which he was informed by the party aggrieved ; but having offered to deliver the seaman up to him, notwithstanding this fact, I complied with my word, as we have always acted in perfect harmony in all matters which have occurred between us. Therefore, although I had received a verbal communication from you through one of your officers, I replied that I would send the order to the Consul as soon as it should be received at my office, believing that to pursue a different course would be to offer an insult to him, contrary to the Laws of Nations, and very foreign to my character. Two hours after enclosing to him the said order, placing the seaman John Lewis, at his disposal, I received your note, which indeed somewhat surprised me, as much for the reasons already given, as because you are pleased to say, that ‘ *the interposition of your military authority was necessary,*’ which I can conjecture to be founded on a mistaken idea of what has passed, as in no case whatever, having a Consul at this place legally recognised by your Government, and in the Capital a Minister placed at the head of affairs, can you make a demand of me by virtue of your military authority without a powerful motive.

I should be false to my principles were I not to declare frankly and sincerely, the urbanity and consideration which yourself and the other gentlemen under your command have been pleased to dispense to me in particular, as well as in general to the corps which I command ; and were I not to acknowledge with which I was treated at Pensacola by the officers of the Navy of the United States of the North, when I commanded the brig Guerrier, for which attention I shall never find language to express my gratitude.

As well for the causes above exposed, as for various other manifestations of brotherly feeling, I and every other true Mexican will be grateful, as also for the protection which our independence received in its cradle from the United States of the North, being, as they were, the first republic to declare their acknowledgment of it. I should be false to my principles and honor, if concealing this truth, I were not to contribute to preserve intact the neutrality of two republics who ought to maintain intimate relations of friendship with each other, as you and I fully understand.

In this despatch I believe I have answered your note of the 26th inst., and which a want of health and my little aptitude at translation have caused me to delay until now, when I have the satisfaction to do so, hoping you will be pleased to excuse the delay, and certain that at all times I have endeavored to avoid causes of unpleasant altercation.

I offer to you the distinguished
consideration and respect of your
most attentive and ob't servt'.

FRANCISCO DE P. LOPEZ.

Vera Cruz, 31st December, 1829.

*" U. S. Ship Falmouth, before Vera Cruz,
January 2d, 1830.*

SIR,—Your letter of the 31st ult., has been received. In my communication of the 26th of the same, to which yours is an answer, I endeavored to impress you with a sense of the unjust and cruel treatment extended to the seaman Lewis, by detailing the circumstances of his case. Of the truth of these, relying on the veracity of the Consul of the United States at Vera Cruz, I have not entertained the slightest doubt. If they had been misstated, it was reasonable to expect from you a confutation. Until you shall have made it appear that there has been misrepresentation, I shall remain firm in the sentiments which I have already expressed.

I am aware of the fact contained in your note of 'there being a Consul in this place, legally recognised by my Government, and a Minister located in the Capital at the head of affairs.' I am also aware that the exertions of the former had proved unavailing; and that not until my interposition was the release of the seaman granted. It is equally true I have not presented myself before you in the capacity of a diplomatic agent. Within the range of my command is included the coast of Mexico, where my object is the protection of our commerce; and in order to the complete attainment of this, it is my duty and determination to afford relief and protection to all who are lawfully engaged in it. In doing so, I will ask for nothing that is not clearly right, and submit to nothing that is wrong. This may serve to relieve you in some measure from the surprise occasioned by, and to explain to you the motive which, called for 'the interposition of my military authority,' which only became neces-

sary upon your refusal to comply with the request of the Consul of the United States, for the release of the person whom you persisted in detaining in your service.

On what grounds you continued his impressment, notwithstanding repeated demands from that officer for his release, I am at a loss to discover. You speak of his 'being a prisoner, in consequence of a proven theft.' And you consider the *information of the party aggrieved as sufficient evidence*, and upon that alone you pronounce his guilt. But suppose his guilt established. Surely you do not mean to plead it in defence of the treatment you have visited upon him since his original impressment; to raise up an apology for your own injustice out of his crimes. For these he has suffered ample punishment in the infliction of thirty-six lashes on his naked body, ordered and inspected by yourself, immediately subsequent to his second impressment from on board the *Virginia*. And are you not willing to confess this an ungrateful return for the services he has rendered? Might you not have palliated his offence, (which is by no means established,) by reflection on the state of utter destitution, of penury, and of bodily disease, in which you retained him? Might not the recollection of the hospitable treatment you received at the hands of his countrymen have inclined you to a different course? I feel more than usual ardor while dwelling on a subject of so much interest to myself, in common with all my countrymen. We have long since demonstrated our aversion from the practice of impressment. We have already shown a determination not to submit to the views of those who have construed it into a right. Our Government, in waging with England both the war which eventuated in our independence, and that whose object was its maintenance, was strongly influenced by a desire to destroy this obnoxious principle.

It would be satisfactory to understand from you the reasons which have influenced you in your treatment of the individual in question, as well as the course you design pursuing in relation to our seamen generally, who may chance to be on your coast. It is to be hoped you will concede a point which even your ancient and present enemy secured to us by treaty, previously to the commencement of your struggles for independence.

A nation contending for liberty in her own case, should be the last to violate it in the case of another. It would be an utter inconsistency in any people to adopt in a particular

instance, the very principle which they are struggling to destroy.

I have the honor to be,
 Very respectfully, Sir,
 Your ob't and humble serv't,
 J. D. ELLIOTT.

CAPT. FRANCIS PAULA LOPEZ,
 Commanding the Mexican
 Naval Forces at Vera Cruz.

Department of Marine, of Vera Cruz.

I have received your attentive note of the 2d instant, in which you reply to mine of the 31st of the last month, when I requested you to have the goodness to excuse my delay in answering yours of the 26th, on account of the difficulty I find in translating, and of some suffering in my health; and although in my above mentioned note, I stated that yours had surprised me, it was because I had already complied with the request of the Consul, to whom I appeal, in order that you may, if you think proper, inform yourself what conduct I have observed towards that gentleman on all occasions since we have been acquainted.

I am frank and ingenuous; I will not deny that the order was not sent with the despatch which ought to have been used, because the chief clerk whom I directed to enter it, had forgotten to do so, and also because of the bad weather experienced at the time.

As to the individual in question, I have made known to you the motives for taking him on board. As to the course of conduct which you exact from me, and the manner in which American seamen who may be upon our coast ought to be treated, you may be well satisfied that for myself, as far as I may be concerned toward them, there will be no ground of complaint which can give offence, either at this time or in future; wherefore if my former declaration was not sufficient to convince you that it is not and never has been my intention to be wanting in respect either to yourself or to Mr. Taylor, I believe that the present will be so, and I repeat that my sentiments have never been different from those I have expressed.

I have the honor to offer my most
 distinguished consideration and respect,
 FRANCISCO DE P. LOPEZ.

Vera Cruz, July 3d, 1830.

“*U. S. ship Falmouth, before Vera Cruz,*
January 4th, 1830.”

Sir,—I acknowledge the receipt of your letter of yesterday. From the conception which, considering the difficulty encountered in translating it, I have formed of its contents, it bespeaks a determination on your part to pursue a different course hereafter. On the subject of our short correspondence, I have felt deeply. Had the wrong complained of proceeded from the functionaries of a monarchy, a form of government to which republics bear but little affinity, I should not have felt the same surprise. But my feelings amounted to regret when I reflected upon the injustice which the representative of a free people had sanctioned.

I am happy to understand from you your intention of adopting towards American seamen, a mode of treatment which is calculated to reflect glory on your country, and to promote the harmony of the two republics. Here I cannot omit presenting to your consideration the following emphatic remarks of the present Chief Magistrate, while on the subject of our sister republics at the South, contained in his last message to the Congress of the United States. While I do so, I cannot but expect it will meet with the admiration of every friend of liberty. ‘We trust, however, that the day is not distant when the restoration of peace and internal quiet under permanent systems of government, securing the liberty and promoting the happiness of the citizens, will crown with complete success their long and arduous efforts in the cause of self government, and enable us to salute them as friendly rivals in all that is truly great and glorious.’ This sentiment I hope will be reciprocated by all true Mexicans.

As I am about to take my departure for other ports of my command, I cannot but express my hopes for the prosperity of the Republic of Mexico. I shall be happy on my return to find her present difficulties removed, and herself in the possession of internal peace, and in the enjoyment of all the benefits which must flow from a permanent and settled form of government.

I have the honor to be,

Very respectfully, Sir,

Your ob’t serv’t,

J. D. ELLIOTT.

CAPTAIN F. P. LOPEZ, Comd’g
 the Mexican Naval Forces at
 Vera Cruz.”

Not long after this, Captain Elliott returned to Pensacola Bay, the head quarters of the West India squadron, where he remained till the 18th of February, 1830. On this day he sailed for Havana, on board of the United States ship Falmouth, accompanied by the schooner Grampus and several smaller vessels. He had already been instructed by the Secretary of the Navy that the ship Candace, which sailed from Boston for India in October, 1829, with a cargo of specie and merchandize, had been robbed by a Spanish brig, understood to have been the Manzanares, fitted out from Havana for the African slave trade. On his arrival at Havana, he lost no time, in pursuance of his instructions, in communicating to Mr. Shaler, the United States' Consul at Havana, the information which he had received of this robbery. Being informed that Mr. Shaler had not then been recognised as Consul by the Spanish government, and until such recognition, was exercising his functions of commercial agent merely by the courtesy of the Captain General Vives, Captain Elliott immediately addressed that functionary, and requested a description of the Manzanares, of her crew, of the time of her departure from Havana, and the probable time of her return. He was referred by General Vives to Admiral Laborde, commander of the Spanish naval forces at the Island of Cuba, to whom he made a similar application. The Admiral immediately complied with this request, and promptly furnished every facility in his power for detecting the pirates. After ordering the Shark, under Lieutenant Commandant Webb, to cruise along the coast on the lookout for the Manzanares, Captain Elliott sailed for Matanzas, and began to search very closely, every Spanish ship that entered the port. The slave merchants, apprehending that he intended to arrest their vessels and send them to Havana for examination, in which case they would be captured

by the British cruisers, held a meeting and requested Mr. Shaler to interpose, in order to dissuade Captain Elliott from searching. He replied to Mr. Shaler that if the slave merchants would indemnify the owners of the Candace, and deliver up the pirates to the Spanish authorities, he would desist from searching their vessels; otherwise, every vessel at all answering to the description of the Manzanares should be searched most rigorously. Shortly after this, he learned that the Manzanares had been destroyed by a British cruiser upon the coast of Africa; upon which he abstained from farther search.

In November, 1830, an outrage was committed upon an American vessel in the harbor of Matanzas, by the Spanish authorities of that port. The vessel, taking advantage of the land breeze, which, in that harbor, blows early in the morning, was under sail to depart, when she was fired upon by the Fort. She received one shot, which, besides doing considerable damage, wounded three of her crew. The commander of the sloop of war Natches, one of Commodore Elliott's squadron, applying to the Governor of Matanzas for an explanation, was referred to the Captain General of the Island. Captain Elliott, being informed of the affair, immediately proceeded to Matanzas, and addressed the Captain General. A correspondence ensued between them, of which the two following letters from Captain Elliott are offered to the reader. They are offered as another instance of that energy and decision which characterize all his movements when engaged in the service of the public, and which have often been successfully exerted for the protection of his fellow citizens.

*"United States' Ship Erie, Harbor of Matanzas,
December 3d, 1830.*

SIR:—The undersigned, commanding the United States naval forces in the West Indies and Gulf of Mexico, takes

occasion to bring to the notice of your Excellency, an occurrence which took place in the harbor of Matanzas on the morning of the 11th ult. the character of which is developed in the protest of the master and crew of the brig Elizabeth, of Bath, and the certificate of the masters of American vessels in the port at that time, copies of which accompany this communication, marked A and B.

The undersigned is informed that the commander of the United States' sloop of war Natches, (who left here previous to his arrival) made a call upon the Governor of Matanzas for an explanation of the causes which led to this event, which was answered by the officer in charge of the government, by a reference to your excellency.

The undersigned does not believe that your excellency is disposed to sanction such an arbitrary exercise of military authority on the part of the officer by whose orders the aggression was committed on the brig Elizabeth. She was engaged in lawful trade, and having conformed to all the commercial regulations recognized in the port, was about to leave it at the usual hour in the morning, when she received a shot from the Fort, which not only injured her considerably, but wounded three of her crew, one of them severely, although the hail from the Fort had been repeatedly answered, and the vessel brought to an anchor.

It is doubtless known to your excellency that such is the character of the harbor of Matanzas, that unless advantage be taken of the land breeze which is felt at the earliest period of the morning, it not unfrequently happens the vessel desiring to depart is detained during the remainder of the day. Under these circumstances, and the brig Elizabeth being provided with all the requisite passports from the proper authorities, here the undersigned cannot perceive the necessity of the extreme rigor which has been exercised towards her. In the present instance, it appears to the undersigned that the blood of his countrymen has been wantonly shed and their property injured, without adequate cause, and that this act, emanating from an officer of the government, is inconsistent with the spirit and tenor of the treaties existing between our respective governments, for the guidance of the subjects of His Catholic Majesty and the citizens of the United States, and having for their object the general advantage and reciprocal utility of both nations. Your excellency being so well acquainted with all the articles of the treaties alluded to, I deem it unnecessary to call your attention to more than the 7th and 8th articles of the treaty of

October, 1795. Whilst the undersigned has never countenanced any improper acts of his countrymen, they expect protection when engaged in lawful commerce, and his government will require of him the exercise of his power in effecting it.

Aware of the excitement which this occurrence may produce in the United States, and that which has already manifested itself among her citizens residing at Matanzas and in its vicinity, as well as among those of the fleet under his command, the undersigned, whilst he is still animated by the feelings which he had the honor to express in his communication to your Excellency of 4th March last, trusts that such measures will be taken promptly by your excellency, as may redress as far as possible the wrong already done, and prevent a recurrence of a similar outrage.

Relying confidently on the justice of your Excellency, the United States' schooner Shark, Lieutenant Commandant Boerum, is despatched with this communication, and will await your reply.

The undersigned renews to your Excellency assurances of the high consideration and respect with which he has the honor to subscribe himself

Your Excellency's most Obedient Servant,
J. D. ELLIOTT.

To His Excellency,
DON FRANCISCO DIONISIO VIVES,
Captain General of the Island of
Cuba, &c. &c. &c. at Havana."

*"United States' Ship Erie, Harbor of Matanzas,
December 12th, 1830.*

SIR:—I have the honor to acknowledge the receipt of your Excellency's communication of the 6th inst. and regret to find that the report made to your Excellency relative to the conduct of the brig Elizabeth, varies so materially from the detailed statement of the case made by the master and crew of said brig on oath, and the certificates of the masters of American vessels in this port at the time, who, from their situation, could not easily have been mistaken. The usual pass had been deposited in the Fort; if this be the 'special permission from the local authority,' to which your Excellency alludes, the Elizabeth appears to have attained it, and therefore infringed no orders in attempting to leave the port.

It is matter of general notoriety that for some years past,

and until the affair of this brig, vessels had been allowed to depart from the port of Matanzas during the interval between the retreat and morning gun, without molestation; and doubtless the relaxation of the general regulation, was a measure of necessity arising from the peculiarities of the port, and it must be well known to your Excellency that an early departure from the Northern ports of this Island, enabling vessels to get clear of the land before night, rendered them less exposed to depredations. Previously to the receipt of your Excellency's communication, I was not aware that a cautionary message had been sent by the commandant of the castle. Upon inquiring, I have since been informed that a verbal message to that effect was sent by a negro, who failed to deliver it. After reviewing all the circumstances, I still retain my past impression that the brig Elizabeth has been rigorously dealt with. In reference to the letter, a copy of which accompanies your Excellency's communication, I have to reply that although officers under my command, when commanding vessels separated from me, are expected to call on public authorities, for explanations of any wrong committed on the persons or property of our citizens engaged in the pursuit of lawful commerce, nevertheless, I am not disposed to countenance any departure from the courtesy and civility due to such authorities.

In the present instance, I had expressed my disapprobation of the style of the letter complained of, previously to the receipt of your Excellency's communication. If your Excellency will advert to the first letter from the commander of the Natchez, in which he calls the attention of Colonel Don Francisco de Paula Albuquerque, Governor ad interim of Matanzas, to the affair of the brig Elizabeth, your Excellency will perceive it breathes every feeling of civility and respect which even the most fastidious could have desired; and a word of timely explanation would have served to correct unfavorable impressions, and probably have saved me from the necessity of addressing your Excellency on a subject so disagreeable. By referring to the last letter of said Colonel and Governor ad interim, it will appear that he supposed a fault had been committed, and that your Excellency would not leave unpunished him who deserved correction.

The consular agents appointed by our government for the Island of Cuba not having been accredited by that of his Catholic Majesty, it devolves upon us to take cognizance of matters more properly appertaining to such agents. I hope

therefore your Excellency will be disposed to excuse an occasional deviation from diplomatic forms, and let me trust that such a remedy may ere long be applied, as will supercede the necessity of the officers of this squadron having to contend otherwise than on their peculiar element.

I have the honor to be,

With great consideration and respect,

Your Excellency's most Ob't. Servant,

J. D. ELLIOTT.

To His Excellency,

DON FRANCISCO DIONISIO VIVES,
Captain General of the Island of
Cuba, &c. &c. &c. at Havana."

In the summer of 1831, Captain Elliott arrived at Norfolk, to pass the hurricane season on shore with his family. On the night of his arrival in Hampton Roads, he was informed by the Mayor of Norfolk of the insurrection of the blacks in Southampton county, on James River in Virginia. The public will recollect this horrible tragedy, in which the women and children of many families were exterminated, and the whole county clad in mourning. He was requested by the Mayor to proceed up the river to Southampton county, with whatever force he could detach from the squadron at Norfolk. With his usual promptitude, he detained the sloop of war Warren, then ready to sail for the coast of Brazil, ordered all her marines, and all the seamen and marines of his own ship, to proceed immediately to Southampton, under command of Captain Newton, and headed by himself. They repaired to Jerusalem, near the centre of the county, where they found most of the women and children assembled for safety, and in the greatest possible alarm. But the insurrection was soon quelled, and he returned with the seamen and marines to Norfolk. The following letter from General Eppes, commander of the detachment of Virginia militia which had been called out, shows the feelings

entertained for him and the officers and men whom he led to this scene of butchery, by the Virginia militia and the people of Southampton.

“ *Head Quarters, Aug. 26. 1831.*

GENTLEMEN,—Accident has brought us together in service of disagreeable character, but which, I flatter myself, will be terminated speedily, and to the public benefit. An acquaintance of very few days has produced in every part, the highest respect for you as officers, and the proper consideration as courteous gentlemen. The annunciation of your readiness to return to your station, if the public service would permit, has devolved upon me the duty of acquiescing in that determination, and of availing myself of the occasion to tender to you on my own part, and in behalf of my officers, for the interest you have taken in behalf of our wives and children, and the readiness with which you have co-operated in every practicable mode to advance our common purpose, an assurance of our obligation, and an affectionate farewell.

RICHARD EPPES,
Brig. Gen.

Com. ELLIOTT, Col. WORTH,
Capt. NEWTON, and other officers.”

The following is Captain Elliott's account of this tragical affair to the Secretary of the Navy.

“ *U. S. Ship Natchez, port of Norfolk,*
28th Aug. 1831.

SIR,—At 3 o'clock in the morning of the 24th inst. while on board this ship, then lying in Hampton Roads, a note was presented to me from the Mayor of the Borough of Norfolk, requesting aid from the Natches, Warren, and Fortress Monroe, to quell an insurrection of slaves in the County of Southampton, Virginia. Mr. Gray, a highly respectable gentleman, the bearer of the note, and who came direct from the scene of the disturbance, represented that fifty or sixty persons had been slaughtered, and that the local militia, being in want of arms and ammunition, were unable of themselves to put down the insurgents. Under such circumstances, conceiving that humanity required a prompt

exhibition of force to prevent the commission of further atrocities, I pushed off in my boat with the fleet Surgeon, leaving directions with Master Commandant Newton to follow with the marine guard of his ship, that of the Warren, and a detachment of seamen, so soon as the steam boat which brought the note should return. I arrived at Suffolk about 9 o'clock, A. M. where, being joined at 11 A. M. by the force under Master Commandant Newton, and a detachment of U. S. troops from Fortress Munroe, under Colonel Worth, we proceeded on to Jerusalem, a small village of Southampton, where we arrived early next day. Here we met with General Richard Eppes of the State militia, from whom we ascertained that seventy-three persons, principally women and children, had fallen victims to the fury of the blacks. I immediately offered to co-operate with the force under my command, in any movement which the General might deem most expedient for putting down the insurrection. The prompt and judicious measures of that officer, which were greatly facilitated by the arrival from the neighboring counties of a number of mounted men, resulted in the restoration of quiet. Most of the insurgents were killed or taken prisoners. In the mean time, the detachment from the ships and the fortress were encamped at Jerusalem, where a number of the women and children had assembled, to whom our presence imparted confidence and an assurance of protection. The insurrection being effectually suppressed, the services of our men no longer necessary, and as the Warren was under sailing orders, I despatched the marines of that ship on the 26th inst. under the command of Lieutenant Green of the Navy, (whom I found on the spot and whose services I required) on their return. They will be able to rejoin her to-morrow. I left the remainder of the seamen and marines under the command of Captain Newton, yesterday, at Jerusalem. They will arrive on board by Thursday next. The celerity with which the detachment from the Natches and Warren, and that of U. S. troops from Fortress Monroe, were brought from such a distance to the scene of operation, and the demonstrations made by them during the march across the country, will doubtless have a lasting and salutary effect on the future conduct of that deluded race against whom they were intended to act. Although no opportunity was afforded of actual conflict with the insurgents, the promptitude with which Master Commandant Newton, and the officers who accompanied him, undertook the performance of duty to which they were un-

accustomed, and the cheerfulness and alacrity of the men during a fatiguing march and other privations, entitle them to approbation. Having been impelled by considerations of humanity to engage with a portion of the force under my command, in a service not strictly within the line of my official duty, I have necessarily entered further into details than the importance of the subject would seem to demand, in order that the Department might be in full possession of the facts.

I have the honor to be,
 Very respectfully,
 Your ob't serv't,
 J. D. ELLIOTT.

HON. LEVI WOODBURY,
 Sec'y Navy, Washington."

For the valuable services thus promptly rendered to the sufferers, Captain Elliott received, for himself and those under his command, the especial thanks of the President, as will appear from the following letter.

"Navy Department, Sept. 1, 1831.

SIR,—I have received your letter of the 28th ultimo, explanatory of the aid afforded by the Naval force under your command, on the call of the civil authorities, in consequence of the recent insurrection in Southampton county, Virginia. I have submitted your letter to the President of the United States, who has desired me to state to you that the promptitude with which the aid was rendered, and the cheerful and humane feelings exhibited in the execution of the duty, are highly creditable to yourself and to the officers and men under your command; and he requests that you will be pleased to receive for yourself, and present to the officers and men, an assurance of his cordial and entire approbation.

I am, very respectfully, &c. &c.

JOHN BOYLE,
 Acting Secretary of the Navy.

Com. J. D. ELLIOTT,
 Comdg. West India Squadron,
 Norfolk, Va."

The Governor of Virginia, General Floyd, in adverting to this melancholy affair in his message to the Legislature, pays a high and deserved compliment to Commodore Elliott and those under his command, for the zeal and activity which they displayed in this hour of calamity; and the feelings thus expressed were doubtless entertained by the people of the whole State, for valuable public services are not soon forgotten by the warm hearted and generous people of Virginia.

The following is an extract from Governor Floyd's message to the Legislature of Virginia, assembled in December following.

"I feel the highest gratification in adding that the readiest aid was afforded by Commodore Elliott of the U. S. Navy, and a detachment of sailors from the Ship *Natches* under his command, who, notwithstanding they had just returned from a long and distant cruise, repaired to the scene of action with a highly creditable alacrity. Much is also due to Colonel House, the commanding officer at Fortress Monroe, for the promptitude with which he detached a part of his force to our aid, under the command of Lieutenant Colonel Worth, to whom similar praise is due; as likewise to the officers and soldiers under his command, for the promptitude with which they also repaired to our assistance so soon as it came to their knowledge. All necessity for their co-operation had ceased before they reached their point of destination; but they are not the less entitled to commendation on that account."

In November, 1831, Commodore Elliott again hoisted his flag on board of the *Fairfield*, and sailed for the West Indies. After touching at the Islands belonging to the several European powers, he proceeded to Vera Cruz. In May, 1832, he proceeded to Tampico, where he was applied to by three persons, Spaniards by birth, but citizens of the United States, for protection against a proclamation issued by Brigadier General Moctezuma, the military commandant

of the Mexican government at Tampico. The Mexican government had ordered all native Spaniards to quit the Mexican territory within a certain number of days; and in pursuance of this decree, General Moctezuma issued his proclamation, commanding all such persons to quit that place in fifteen days from the publication of the same. The individuals in question were inhabitants of Florida and subjects of Spain, when that territory was ceded to the United States, and by the act of cession, became citizens of the United States, and afterwards took out formal certificates of naturalization. By the treaty concluded on the 5th of April, 1831, between the United States of America and the United Mexican States, the citizens of each were secured from molestation by the other, while pursuing their lawful business. Upon the application of these persons to Commodore Elliott, he immediately addressed a letter to General Moctezuma, setting forth the reasons which exempted them from his proclamation, and claiming for them the immunities secured to them as citizens of the United States, by the treaty of 1831. General Moctezuma replied that the treaty, not having been *officially* communicated to him, could not be recognized by him as a law of Mexico. Commodore Elliott again addressed him, repeating his claim in behalf of these persons, and sending to General Moctezuma a copy of the treaty. At the same time, he addressed a letter to George R. Robertson Esq. U. S. Consul at Tampico, informing him of these facts, and requesting him to communicate to the persons aggrieved, that, Lieutenant Boerum, commanding the U. S. Schooner Shark, was instructed to wait off Tampico during twenty-four hours, to receive them on board and transport them to Pensacola, or to the mouth of the Mississippi, at their option, if General Moctezuma should insist on their expulsion. He also wrote to Anthony But-

ler, Esq. Charge des affairs of the United States at Mexico, requesting him to cause the treaty to be officially communicated to General Moctezuma. The proclamation of the General being insisted upon, and Commodore Elliott not being able to use force, his ship being prevented by a dangerous bar from approaching Tampico nearer than within twelve miles, these citizens were received on board of the Shark, and transported to the United States.

In his cruise in the West Indies in the beginning of 1832, Captain Elliott was attacked by a bilious or endemic fever, which had nearly terminated fatally, and which compelled him to return to the Head Quarters of the Squadron at Pensacola, for the restoration of his health. While there, about the first of May, he received letters from the American Consuls at Vera Cruz and Tampico, stating that the American commerce was in great danger from the distracted state of Mexico, and that the presence of some one of the squadron was necessary. He immediately despatched the Shark to Tampico, and sailed in the Fairfield for Vera Cruz. Being overtaken by a violent gale from the North, his ship drifted among the shoals off Vera Cruz, and was in imminent danger of being lost. The navigation among these shoals is extremely dangerous. The U. S. Schooner Porpoise has since been lost upon them, and the Fairfield would then have been lost without the greatest exertions of the officers and men. In the midst of this storm, Commodore Elliott gave another signal proof of that intrepidity and self devotion for which his whole life has been distinguished. The crew of the Fairfield consisted of about 200 men ; and to save their lives, he was obliged to jeopard his own. He went aloft, and amid showers of rain and tremendous gales, directed the course of the ship for three hours, and steered her clear of the shoals. He was then ill of en-

demic fever, and undergoing a mercurial course. The consequence of this exposure was a violent mercurial rheumatism, which compelled him to resign the command of the West India Squadron, and to seek the salubrious air of the Pennsylvania mountains. He accordingly retired to his estate in Carlisle, where he remained till the Autumn of 1832.

CHAPTER XVI.

Events in South Carolina in 1832 and 1833.

IN the autumn of 1832, the difficulties in South Carolina began to present a formidable appearance. The threatening attitude assumed by the authorities of that State became a subject of grave and anxious consideration at Washington. The President, true to his determination to preserve, if possible, the Federal Union, saw the necessity of meeting the storm with prompt and vigorous measures. It became necessary to send a body of troops to Charleston, under command of General Scott, to garrison the national forts there, and to aid the civil authorities, if necessary, in maintaining the laws of the Union. A naval force before that port was also necessary, and a commander whose resolution, discretion and address could be relied on. Captain Elliott was selected by the President for this difficult and responsible command, and very reluctantly left his peaceful retreat among the mountains of Pennsylvania, to engage in the civil broils of his own countrymen. It is not the intention or wish of the author of these pages, to give a particular history of this unfortunate collision between the Governments of the Nation and one of the States. The chief promoters of the misunderstanding are doubtless convinced that any forcible attempts against the laws of the Union would be utterly unavailing; and while the political friends of the Executive find, in the promptitude and energy with which

he met this crisis, additional reasons for their good opinion, his candid opponents will acknowledge that by this promptitude and energy, the Federal Union has been preserved from being stained with fraternal blood. But while a minute detail of whatever occurred in this dispute will not be given, justice to Captain Elliott requires that one incident should be particularly noticed. A French Brig, L'Aigle, with a valuable cargo on board, was lying at Charleston, ready for sea. The French Consul at that port, the Count de Choiseul, addressed to Captain Elliott the following letter.

"Consulate of France at Charleston.

Charleston, 28th Jan. 1833.

SIR,—The undersigned, Consul of France for the Port of Charleston, has the honor of informing you that the Captain of the French Brig L'Aigle, bound to Bourdeaux, and now lying in this port, states that he has on board a valuable cargo, for the safety of which serious apprehensions are entertained, in consequence of circumstances which have come to his knowledge. The undersigned would be happy if you would cause convoy to be given to the said brig, for a distance of 30 or 40 leagues from the coast. That distance is deemed sufficient, as she is a fast sailer. The undersigned believes that in making the above request, he conforms himself to the custom adopted between friendly nations. Should any expense attend the grant of convoy, the undersigned will thank you to inform him of the probable amount. The undersigned takes this opportunity of offering to you, Sir, the assurance of his high and distinguished consideration.

I have the honor, &c.

J. DE CHOISEUL."

On receiving this letter, Commodore Elliott, unable to imagine what dangers could beset the French brig, and at the same time disposed to grant the French Consul's request, provided the state of affairs in Charleston would permit either of the ships under his command to be sent away as convoy, addressed a

letter of inquiry to Hon. Joel R. Poinsett, then at Charleston. Mr. Poinsett replied in the following terms.

" Charleston, 30th Jan. 1833.

MY DEAR SIR,—I am at a loss to imagine what dangers the French brig can be exposed to on our coast. There is no nullification afloat. However I am clearly of opinion that be the danger real or imaginary, it would be better to grant the Consul's request. I do not believe these men will commit any act of hostility until their forces arrive from the country, and they are not yet in march.

I am, Dear Sir,

Ever yours truly,

J. R. POINSETT."

Captain Elliott then learned that a vessel was fitting out at Charleston with the armament and other preparations of a privateer, and supposed that this might be the source of the French Consul's apprehensions. It also occurred to him that the object of the nullifiers might be to induce an attack upon this vessel by the *Natches* or *Experiment*, or some other forcible act which might cast upon the Federal Government the odium of striking the first blow in a civil war, and thus afford the State authorities of South Carolina a pretext for overt acts of hostility. Too sagacious to be the dupe of any contrivance for committing the Federal Government, Commodore Elliott immediately informed the French Consul that after the French Brig should have left the port, convoy would be furnished according to his request. The following is his answer.

" U. S. Ship Natches, Charleston, S. C.

Jan. 29, 1833.

SIR,—I have had the honor to receive your communication of the 28th inst. setting forth that (reciting the letter.) I cannot perceive any just cause of apprehension or alarm for the safety of said vessel, when in this port, or whilst

lawfully departing from, or on the coast of the United States. There is not, however, an immediate necessity for detaining the vessels of the United States here in port; and should you be possessed of information which may in the slightest degree expose commerce to a hazard whilst on the coast, I will most cheerfully employ a portion in its protection. You will please make an early reply to this communication.

With the highest consideration,

I have the honor to be

Your ob't serv't,

J. D. ELLIOTT.

Count CHOISEUL,

Consul of France at Charleston."

Three days after sending this letter, Commodore Elliott received the following, which explained the cause of the French Consul's apprehensions, and showed that the information concerning the fitting out of an armed vessel at Charleston was correct.

"Consulate of France at Charleston.

Charleston, 1st Feb. 1833.

SIR,—The communication which you did me the honor of addressing me on the 29th ult. reached me yesterday at a late hour; the circumstance will serve as my apology for not answering it sooner. The apprehensions of the captain of the brig l'Aigle were awakened by the fact of a small schooner having sailed on the very day on which the brig was to have put to sea, with a crew of twenty men, after having got on board a number of small arms. This led the captain of the Aigle to fear that a piratical attack might be made on his vessel. The commander of the U. S. Schooner Experiment has informed me that in consequence of orders received from you, he is ready to convoy the Aigle. I request you will be pleased, Sir, to receive my thanks for your friendly assistance, and I have the honor of informing you that the Aigle will be ready to sail on Sunday, 3d inst. should that day be convenient to you.

I have the honor of offering you

the assurance of the high consideration

with which I am, Sir, your ob't serv't,

J. De CHOISEUL.

Com. J. D. ELLIOTT,
&c. &c. &c."

To this Captain Elliott made the following reply.

"U. S. Ship Natches, Charleston, S. C.

Feb. 6th, 1833.

SIR,—I have but this moment received your communication of the 1st instant, and of course have remained unapprised until now at what precise time the French Brig Eagle would depart from the port of Charleston. On Sunday morning, however, a brig bearing the flag of France passed within hail of the Natchez, and asked for convoy; the officer, presuming her to be the Eagle, despatched the U. S. Schooner Experiment with her, and I have much pleasure in saying that Lieutenant Commandant Mervine left the Eagle in the Gulf Stream, with a strong S. W. wind and a favorable current of at least two and a half miles per hour. It affords me a very great gratification, when I assure you of the pleasure I feel at having it in my power to render assistance to the agent of a nation whom the Executive of the Government of the United States recognizes as an early friend and ally, and whose citizens, whilst residing amongst us, show no disposition to identify themselves in the political concerns of the country. I beg you, my dear Sir, to feel assured that while in command of the naval force at Charleston, of my readiness to be at all times at your service.

I embrace the opportunity of again renewing the consideration, with which

I have the honor to be

Your ob't serv't,

J. D. ELLIOTT.

Count CHOISEUL,

Consul of France at Charleston."

This correspondence having been transmitted to the Navy Department, Commodore Elliott received from the Secretary of the Navy the following testimonial of approbation.

"Navy Department, Feb. 14th, 1833.

I have received your letter of the 7th, enclosing the correspondence with the French Consul at Charleston, relative to

convoy for the Brig Aigle, and am much gratified with the character of the correspondence.

I am respectfully, Sir,
Your ob't serv't,

LEVI WOODBURY.

Com. J. D. ELLIOTT,
Commanding Naval Station,
Charleston, S. C.

Of all the public services in which Captain Elliott has been engaged, this was the most delicate, the most embarrassing, which most required prudence, sagacity and resolution. The excitement among the nullifiers of South Carolina was extreme, and the slightest manifestation of rashness or irresolution on the part of either Commodore Elliott or General Scott, might have led to events of which the bare contemplation is horrible. Fortunate indeed was it for the Nation that the present executive was then in office; for without the inflexible resolution of General Jackson, this attempt upon the integrity of the Union might have succeeded, at least for a season. That it would have been finally frustrated, no one can reasonably doubt; but that with a more timid policy at Washington, some desperate steps would have been taken, is equally certain. The people of this great Republic may differ in opinion about the propriety or expediency of some measures adopted by the present Executive. May they never cease to differ about public measures generally, for such difference, if temperately manifested, if restrained by respect for law, indicates that wholesome vigilance, that salutary watching of public servants, which is the best preservative of liberty. General Jackson has his partizans and opponents, his friends and his foes. This only proves that he has sufficient force of character to create both. The greatest men have been depreciated, and the best reviled, by the envious or the malignant; and detraction is always industrious

or loud, in proportion to the magnitude of its object. Indeed it may be truly said that no man ever deserved to have friends without creating enemies. But while the patriotic and the wise may entertain different opinions about many measures of the present executive, while they may differ about the doctrines set forth in his celebrated *proclamation*, they must nevertheless admit that his promptitude and firmness arrested the rapid march of this dispute to a forcible issue, and saved the Nation from the horrors of a civil war.

It is also fortunate for the nation that General Scott and Commodore Elliott were in command of the land and naval forces of the Union at Charleston, during this portentous crisis. Firmness and address were necessary. In selecting these officers, the President *knew* his men. Their valor, constancy and sagacity had been thoroughly tried on former occasions. Every friend of the Union may gratefully affirm that these qualities did not fail them on this.

It now becomes necessary to state a fact which not only shows the professional sagacity of Commodore Elliott, but may serve to convince the disaffected people of Charleston, that, while sent there to maintain the laws of the Union against their threatened violence, he was not unmindful of their interests as a part of that Union. From its Southern position, he saw that Charleston was exceedingly eligible as a naval station for the rendezvous, fitting out and repairing of sloops of war and other small vessels for the West India station, and that the bar at its mouth was no obstacle to the passage of such vessels. He also adverted to the frequent, yet groundless complaints of Southern politicians about the neglect of the South and the expenditure of public money at the North. Being an ardent friend, not only to the navy, but to the Union, he thought that a dock yard

at Charleston would not only be very useful to the former, but would tend, in some degree, to allay the spirit of discontent in South Carolina, by creating a new tie between it and the latter. He suggested this project to the Secretary of the Navy, who, at once perceiving its importance, requested his views at large upon the subject. Captain Elliott immediately applied to several citizens of Charleston, soliciting particular information from each upon various specified subjects. To Messrs. Thomas Bennett and Edward Carew he wrote thus:

“ Charleston, April 11, 1835.

U. S. Naval Station.

GENTLEMEN,—At my suggestion, the Hon. the Secretary of the Navy has taken into consideration the subject of the location of a naval establishment at the port of Charleston, S. C. and has called on me for such remarks as may throw light on the subject. The residence I have had among you does not sufficiently enable me to judge correctly on all the points which would seem to be embraced in the instructions of the Government, and I would ask leave to throw myself on your kindness in obtaining information on the following points, viz.

Does the country contiguous to Charleston, and within striking distance, afford a supply of live oak, white oak, yellow pine, and masting timber, in sufficient quality and quantity to meet the probable wants of a Naval Establishment, for the constructing, masting and repairs of Sloops of War and smaller vessels? The prices at which the same could be delivered; the knees and beams sided and cut to mould, the planks sawed, and mastings in the rough?”

To Messrs. James Marsh and James Poyas.

(Beginning as in the last.)—“The probable number of mechanics which could be obtained at and in the vicinity of Charleston, to work in a dock yard when established; such as ship-carpenters, ship-joiners, ship-smiths, boat-builders, block-makers, and common laborers for daily work; and amount of wages for each?”

"To Messrs. Elias Horry and Mitchell King.

_____. The possibility of finding a quarry of stone in this vicinity, suited to the facing of wharves, the foundation of buildings? And the quantity and price of brick?"

"To Dr. Johnston and Dr. Dickson.

_____. The mortality of Charleston during the years from 1817 to 1833; its comparison with other cities on the sea coast; with the means by which a population may be rendered healthy, operating on the margin of one of the rivers passing the city of Charleston, and contiguous to it?"

"To Hon. Joel R. Poinsett, Gen. Daniel E. Huger, Hon. Henry Middleton.

_____. What are your views on the propriety of locating a Navy Yard at Charleston?"

As this project has not yet been abandoned by Captain Elliott, the two following letters of recent date, to Mr. Pinckney, Representative in Congress from South Carolina, may be interesting to the reader.

*"Commandant's Office, Navy Yard,
Boston, Jan. 17th, 1835.*

SIR,—I duly received yours of the 12th instant. As one of the Board of Commissioners for selecting suitable sites for naval depots and military works for maritime defence, prior to 1826, I examined particularly, with the other members of the board, the harbor of Charleston, as well as that of Pensacola, for the purpose of locating a dock yard on our southern coast. The board, however, at that time gave the preference to Pensacola, for various reasons.

Subsequent events, sparseness of the population in the vicinity of that city, the probability of an union between Charleston and the western waters by means of railroads, the abundance of excellent timber material, and the cheapness and ease with which it can be obtained, the little progress made in the mechanic arts, and the small amount of public money expended in South Carolina, united with the known security and convenient location of the harbor both for offensive and defensive operations, and for keeping the

black population of the West Indies and Southern States separate, strongly impressed my mind with the importance of having a naval depot established at Charleston, during my late command there.

I therefore collected such facts as seemed most worthy of attention in relation to the climate, depth of water on the bar, favorable position for defence, &c. &c. and communicated the same, with my own opinions, to the Hon. Levi Woodbury, the then Secretary of the Navy, who seemed favorably impressed toward a speedy establishment.

Since my sojourn here, I find that head mechanics of science and skill can be procured in this vicinity to take the directions of the different departments, and that in comparing materials and labor, the economy is decidedly in favor of the South."

*"Navy Yard, Boston,
January 20, 1835.*

SIR,—Since my letter to you of the 17th instant, I have called to recollection some few points more in relation to the proposed establishment of a Dock Yard at Charleston, South Carolina.

In addition to the increase of trade which Charleston must derive from the western part of our country, and the advantages she derives from her central position in the shoal waters of the South between the Chesapeake and the Tortugas Shoals, she could have an inland water communication nearly with Norfolk, one of the grand positions for the collection of materials for our Navy. By this means stores and materials could be sent inland to Charleston, via Wilmington, within a few miles of which navigation terminates; secure from a superior force which might harbor outside upon the coast.

If you look along the coast, you will perceive from the geographical situation, and the course of the Gulf Stream, in which all vessels move returning from the Caribbean Sea, the Gulf of Mexico and the Leeward West India Islands, that Charleston has a more immediate connection with and control over that coast, than even the Rock of Gibraltar has with the Mediterranean Sea.

Whilst in command of the West India Squadron and at Pensacola, I had occasion to despatch from thence to the Windward Islands, a portion of the vessels under my charge, with two and a half months' provisions; and such was the time occupied in rounding Tortugas Shoals, and

getting sufficiently far to the northward and eastward to make these Islands, that they were forced, from the shortness of provisions, to return to Pensacola without reaching the destined point. I instance particularly the United States Sloop of War Vincennes, Master Commandant E. R. Shubrick.

Objections may be made to the bar which I have demonstrated myself to be unfounded, as I passed it with the Natchez Sloop of War when the tide was not up, and consider it to be a bar passable by sloops of war of the first class, and all smaller vessels; and if the same means were had recourse to that are made use of in our own country, and in the north of Europe, viz. by placing under the bottoms of larger vessels lighters and camels to buoy them up, the bar might even be passable by frigates by the aid of steamboats to regulate their movements.

Objection has also been made to the climate, and supposed want of health in the vicinity; but this is unfounded, as the result of a close comparison of the bills of mortality of the cities on our coast, where naval operations are carried on, places it as the third in point of health; Boston, Massachusetts, and Portsmouth, N. Hampshire, being only before it.

Some attention has been paid to the position of Key West and Dry Tortugas; but I consider that any operations which the government might carry on there would require as large a force to defend it as any maritime enemy could send against it. The reverse, however, is the case with Charleston.

Should you not succeed in getting a bill for its location passed at this session of Congress, and any movement is directed to be made, preparatory to the full explanation of the subject at the next, I shall furnish you with a great deal of pleasure, with all the nautical information in my power which you might require."

It is here proper to notice the attention paid by Captain Elliott to another subject, which, like that last mentioned, shows his zeal for the interest of the Navy, for the prosperity of the South, and for the country generally. While in command of the West India squadron in 1830, his attention was devoted to the subject of cotton canvass as a substitute for hemp, in

the rigging and fitting of ships. He thought that wherever the interests of any two sections of the Union could be rendered mutually dependent, the bonds of that Union would be multiplied and strengthened. With these views, he thought that the introduction of cotton canvass into the navy would be followed by very beneficial results. The mercantile marine of the Union being immense, and its military marine rapidly increasing, should the whole be furnished with cotton instead of hempen canvass, a domestic demand would be created for the principal production of the South, greater than any three Southern States could supply. One objection of Southern politicians against a protecting tariff, is the alleged diminution of a foreign demand for cotton. Commodore Elliott saw that by this substitution of cotton for hempen canvass, *this* objection would be obviated, and much progress made in allaying the spirit of discontent. For the purpose of calling the attention of the government to this subject, he addressed a letter to the Secretary of the Navy, of which the following is an extract.

“An experiment was made on board the *Natchez*, at sea, with the view of testing the strength of cotton and hempen canvass, in the following manner. The pieces of each kind were placed on a horizontal stretch, and thus subjected to a lateral pressure of iron. A piece of wood, plane on one side and convex on the other, was interposed between the canvass and iron, so as to procure a uniform pressure on every part of the canvass. The results were decidedly in favor of the cotton canvass, viz.

“No. 2, hemp canvass, new, 2 feet 10 inches square, bore 3790 lbs.

“No. 2, cotton canvass, new, 2 feet 10 inches square, bore 3790 lbs.

“No. 1, hemp canvass, piece of main-top-sail, 2 feet 10 inches square, which had been in use one year and two months, split, after having had 1616 lbs. placed upon it.

“No. 1, cotton canvass, piece of jib, same dimensions,

which had been in use one year and two months, bore 2768 lbs."

The following extract of a letter of recent date, upon the same subject, from Commodore Elliott to Mr. Pinckney, is likewise offered to the reader.

"I am now using the cotton manufacture freely at this establishment, (the Boston Navy Yard,) both for ships and crews, and hope soon to see all our ships and seamen clothed with it, which I have no doubt will ultimately contribute largely to supplant the Russian duck from use."

CHAPTER. XVII.

The Figure Head of the Constitution.

IN the Spring of 1833, after the excitement at Charleston had subsided, and coercive measures for maintaining the laws of the Union were no longer contemplated, Commodore Elliott was appointed commandant of the Navy Yard at Charlestown in Massachusetts. He arrived there in the Summer, a short time before the visit of the President to Boston. Here it becomes a painful duty to contrast the different modes in which he has been treated upon his Southern and Northern Stations. As has already been said, he left South Carolina with the respect and good wishes of the very persons whom he had been sent there to oppose; and during the whole period of his command there, he was treated by the same persons with the most punctilious courtesy. While he was in daily, hourly expectation of being obliged to turn the cannon of the United States upon the capital of South Carolina, he was treated by the very chiefs of the insurrectionary movements which he was sent there to suppress, with all the politeness which well-bred men always accord to each other; with all the respect due to a public officer, who, though required to perform a harsh duty, still knows how to act an honorable part. And why was this? Because the foremost spirits of nullification, however intoxicated with political animosities, could distinguish between the man and the officer, the individual and the service; because in

their most violent excitements upon public measures, they could still be mindful of the courtesies and charities of private life; because they could respect the principle which, in these days of *trafficking* and *mobbing*, seems fast fading from the American mind, and will soon become known only in the history of exploded usages, that *public enemies can be private friends*.

But how was Commodore Elliott treated upon his Northern Station? The Boston press can tell! Ay! The Boston press, that faithful index of public feeling in that city, discloses a system of falsehood and vituperation, which may well claim for Boston the right to be called—not “the head quarters of good principles,” but “the head quarters of base practices.” It is an unpleasant task to record the faults, vices or crimes of a sect or community; but if a community, claiming pre-eminence in morals and manners, in virtue, knowledge and refinement, are addicted to censurable practices, it becomes a public duty to strip off their mask and expose them as a warning to the rest of the world. The dominant political party of Boston has long governed Massachusetts, and exercised a preponderating influence over the rest of New England. If this party fights with poisoned weapons, or otherwise disregards the rules of honorable warfare, the rest of the Union should know it; for by such knowledge will it be able to weigh the merits, scan the pretensions and estimate the designs of this party or its champions, and to decide upon the qualifications of those whom it puts forward as candidates for public confidence.

Practices and proceedings will be disclosed in the course of these pages, which, if the sense of shame be not extinguished in the perpetrators, will cause them to blush whenever they hear the name of Captain Elliott. Before he went to Charlestown, or rather

Boston, he had heard of the reception given by a majority of its citizens to the President's proclamation. He had heard how they had assembled in Faneuil Hall, received that document with a spontaneous and universal burst of applause, and had put forth their ablest leaders, their champions, to commend it as the watchword of the constitution and the laws. A personal friend of the Federal Executive, an approver of this act of its administration, and by the orders in his pocket, holding his sword ready drawn to enforce its positions against the military array of South Carolina, Captain Elliott was gratified by these manifestations of public feeling, and went upon his Northern station with very favorable impressions of Bostonian character. Not long after, the President went among them. Where was his reception apparently more cordial? Who were more ready to salute him with warm greetings, to strew roses in his path, and to rend the air with approving shouts as he passed along? "Let us go and see the President! let us shake hands with the President! let us pay our respects to the President!" were the eager declarations of every "Whig," then "National Republican," once "Adam's man," once "Federalist," as he met his neighbor. The party designations so often changed to suit their ever changing policy, were all swept from their memories. They were all administration men! They were all Jackson men! State Executives and City Municipalities were ready with their technical congratulations; Universities with their honorary degrees; and crowds with their hands to be shaken, jostling each other for an opportunity to be civil. Old wool-dyed politicians forgot the antipathies of half a century; "the Monster," ready to sell opposition at a discount and buy adhesion at a premium, sent forth its "Presidents, directors and stockholders" to negotiate its civilities without shav-

ing; and the poor democrats, eager to get a peep at the man who gained the battle of New Orleans, complained that "the Dons of Federalism and monied aristocracy" blocked up all avenues to his presence. In short, so pressing, so importunate were his new friends, that he was obliged to retrace his steps without having seen more than a glimpse of New England, for fear of being *killed with kindness*.

Was Captain Elliott to suppose all this a spontaneous burst of genuine feeling, or a mere political farce, prepared by *stock jobbers* and *vote jobbers* to affect the course of the Executive upon some question of public policy? He might indeed have supposed that it was a mere device, invented for the purpose of diverting the Executive from its opposition to the Bank of the United States. But like a sincere and warm hearted man, he held the former opinion, and immediately and cordially joined in all the preparations for meeting the President. The Constitution frigate was to be docked for repairs. Captain Elliott, seeing every man striving to be foremost in respectful congratulations, seeing Andrew Jackson received with all the enthusiasm which the greatest favorite can ever hope, with all which they had ever shown to the great and good Lafayette, with all which they had shown, years before, to the revolutionary Monroe, seeing that they would not let him rest from their civilities by day or by night, and even shod with silver the horse on which he rode, justly conceived that he could not perform an act more gratifying to the people of Boston, than by placing upon the bows of what they called their favorite ship, the image of the very man before whose living image they were then almost bowing down to worship. He communicated his views to the commissioners of the Navy, who gave to the act their official sanction. Was there no precedent for this? Has the image of no public man, of no

President of the United States, ever before appeared upon any of our national ships? During the administration of John Adams, his own image was placed upon the corvette John Adams. The same ship has been rebuilt upon an enlarged scale, and the same image has been placed upon it—by the present administration. Under the administration of James Monroe, the image of Washington was placed upon the Washington, that of Franklin upon the Franklin, that of Columbus upon the Columbus, that of Sir Walter Raleigh upon the North Carolina, and that of Commodore Stewart upon the Cyane. Under the administration of John Quincy Adams, the head of De Witt Clinton, then Governor of New York, was executed for the New York, now building at Norfolk. Under the same administration, the head of Captain John Smith was placed upon the bow of the Potomac, and his coat of arms upon her stern. For this act then there were precedents in abundance. A question may indeed be raised about the propriety of adorning public ships with the images of public men, especially if living. The practice may be, and probably is fraught with evil tendencies, for it probably leads directly to that undue respect for individuals, that *man-worship*, which is inconsistent with the spirit of republicanism. It would doubtless be better if no statues or images were tolerated upon our public ships or public buildings, excepting those which are strictly emblematical, or which represent mere abstractions. The sentiment that should be most carefully nurtured in a republic, is respect for the laws, without regard to the *persons* who administer them; and one of the most effectual modes of inculcating this sentiment is, to discourage extreme respect for individuals. If the magistrate be worshipped, the laws will be forgotten and he will be set above them. But while the practice of erecting statues and images is tolerated,

while precedents are furnished in abundance, there is as much propriety in putting the image of one President upon a national ship, as another; and if the image and the arms of a British knight are put upon a ship, as were those of John Smith upon the Potomac, and of Walter Raleigh upon the North Carolina, there can be no substantial reason for refusing the honor, if such it may be called, to an American President. Captain Elliott therefore, in doing what had been often done before, should not be particularly obnoxious to censure, should not be particularly singled out for denunciation; more especially as he was impelled, not only by proper respect for the Chief Magistrate of the nation, but by an amiable wish to gratify a community which had been so lavish, and apparently so cordial and sincere, in its congratulations and manifestations of good will.

“But soon there came a frost!——”

The deposits were removed! Then came curses loud and deep from the very mouths which, a few short weeks before, had rent the air with hosannas and shouts of welcome. If they deemed this measure an act of executive usurpation, a perversion of law, they were justified in denouncing it in strong, yet temperate phrase; for all perversions of law, by whatever branch or officer of the government they may be made, should be met in the very threshold by firm, yet temperate resistance. It is the duty of each and all to resist executive encroachment as well as *corporate* corruption; to guard the public liberties from being hewn down by the public sword, as well as from being bought up by the public money. But if this change from oriental prostration to incendiary reviling were wrought by the designing few upon the deluded many, because a few *stock jobbing* calculations were defeated, it can elicit no other sentiment

from enlightened and independent minds, than execration of the leaders and contempt of the followers; execration and contempt for that *rabble-like, mob-like* spirit which can fawn and crouch to-day and revile to-morrow, accordingly as its interests of the moment are subserved or disregarded.

The deposits being removed, the President of the United States, "*that venerable old gentleman, so frank, so cordial in his demeanor, so winning, so affable, so polite, who said so many civil things of New England, who paid so many fine compliments to our city, who expressed such admiration of our militia, who bowed so gracefully and rode a horse so well,*" is transformed *back again* into "*a roaring lion, an Arab chief, a tyrant, a bully, an ignoramus.*" The directors of Universities begin to quarrel about recalling their honorary degrees; and Captain Elliott, whose arm had been almost shaken from its socket in the days of greeting, is denounced as the humble, subservient tool of a tyrant, defiling a national ship with a tyrant's image, and loading the nation's guns to awe the sovereign people into bowing down to adore it. Then it is discovered that the Constitution Frigate belongs, not to the United States, but to Boston! Ay! to the North End! Then it is discovered that to put the image of the President of the United States of America upon a national ship, by order of the commissioners and directors of the national marine, is a flagrant and premeditated insult to the "Boston Boys," because this ship happened to be built at Boston some thirty-seven years ago, and because the majority of sailors recruited for it were New Englanders, whenever it happened to be recruited or repaired on a New England station! Then are hoisted the flood gates of editorial vituperation, and down pours the foul torrent upon the devoted head of a brave and ho-

norable officer, whose crime was an attempt to please his defamers.

But a wish to please the people of Boston, then apparently so delighted with the President, was not the only object of Captain Elliott in ordering this image. He had higher views! nobler aims! A chief inducement was to promote the popularity of the navy in that section of the country where it had never been a favorite, the West. He thought that as the President was very popular in the West, and withal highly partial to the navy, he might mitigate the hostility with which this arm of the national defence had always been viewed in the great Western States, by exhibiting him in immediate and friendly connection with it. It is needless to descant upon the influence of associations. Captain Elliott believed in such influence, and was disposed to direct it to a purpose of public utility. The Constitution was the favorite ship on the sea-board. She was the first to break the charm of England's naval invincibility; the first to carry "the star spangled banner" upon the mountain wave, in victory over the cross of St. George. She had therefore become hallowed in the associations of every citizen of the sea-board, as an emblem, an abstraction of his country's maritime glory. Nor was the name of Andrew Jackson less interwoven in all associations of victory upon land, in the mind of every son of the West. To place the image of the most popular man of the West upon the favorite ship of the East, would present the navy to the Western people with associations of a new and friendly character. Nor was the partiality of the President for the navy the only light in which Captain Elliott sought, by this act, to present him to the Western people. The reader will recollect the decided stand taken by the President, on all occasions, in support of the Federal Union. He will recollect the sentiment

offered by him at a public dinner at Washington, upon the birth day of Mr. Jefferson, where it is more than supposed that zeal for the Union was not the ruling passion of the ruling spirits of the occasion: "The Federal Union; it *must* be preserved!" Particularly will he recollect the proclamation, and the military preparations to maintain the laws of the Union in South Carolina; measures which, however politicians may differ about their political character or tendencies, certainly proved the sincerity of the President's professions of attachment "to the Federal Union." Captain Elliott thought that by placing the image of *Andrew Jackson* upon the frigate Constitution, he should not only imply to the whole nation that the President was friendly to the Union and the Constitution, but also excite in the mind of every citizen the thought, that, with the Union were inseparably connected the naval and military glories of the country. He had yet another object. He wished to present the President to the citizens of the East as the preserver of their favorite ship, the Constitution. While Mr. Branch was at the head of the Navy Department, the commissioners of the navy, or a majority of them, thought of breaking up the Constitution. Mr. Branch consulted the President upon the subject, who promptly replied, "The Constitution must be preserved."

All these considerations united induced Captain Elliott to propose the head or image of the President as a suitable ornament for the bow of the Constitution. At the same time, he proposed as ornaments for her stern, the heads of Hull, Bainbridge, and Stewart, the commanders of "Old Ironsides" in her three several victories over the *Guerriere*, the *Java*, and the *Cyane* and *Levant*. As before said, the Commissioners approved of the whole proceeding, and an artist was employed to execute the work.

For proof that this effort of Commodore Elliott to render the navy popular in the west was not entirely unavailing, the reader is referred to a sentiment offered at the celebration of the national anniversary at Harrisburgh, on the 4th of July, 1834, at which the governor of the state was present. The objects of the toasts were "Old Ironsides" and "Commodore Elliott, a son of Pennsylvania," and the subject was his firmness in resisting the efforts of the Boston aristocracy in the affair of the *figure head*. If this be not the first instance in which a direct compliment has been paid to the navy, or to any particular ship, in the interior of the Middle or Western States, such instances have been rare. However inconsiderable they may seem, they serve to indicate and to affect public sentiment. The more frequently the navy can be presented to the public mind by complimentary notices, the greater is the probability of its becoming a popular favorite. It is natural for the citizens of Pennsylvania to feel an interest in the fame of Commodore Elliott, because he is a Pennsylvanian; and if his character reflects honor upon that State, if he be a personage of whom that great and enlightened State may justly be proud, it is more than probable, for it is natural, that Pennsylvania should be well disposed towards the navy upon his account.

But the removal of the deposits having raised the Bostonians from their genuflections into an attitude of "resistance to a tyrant," it became a part of their new policy to abandon shaking hands with Captain Elliott as *the President's particular friend*, and to denounce him as *the tyrant's subservient tool*. Murmurs of dissatisfaction began to circulate, and occasionally to appear in newspapers. The ground of complaint seemed to be the placing of a Western man's image upon a ship which was claimed as the exclusive property of Massachusetts, or rather of Boston.

Even the artist who carved the image was beset with remonstrances. Captain Elliott, informed of these proceedings, of this growing complaint, applied to the Commissioners of the navy for directions; for as he had undertaken the affair in part to gratify the people of Boston and its vicinity, he did not wish unnecessarily and wantonly to irritate a local prejudice, which claimed, however absurdly, one of the national ships as the exclusive property of Boston. He supposed that the objectors, entertaining no hostility against the image of General Jackson, and merely wishing to have what they were pleased to call their own ship adorned with no other images than those of Bostonians, or at least of New-England men, would be perfectly satisfied and would cease from complaining, if any other destination were given to the image in question. But being a Pennsylvanian, and imperfectly acquainted with the state of society in Boston, he knew not the spirit of its politics. He did not then know that its ruling party, claiming *all* its "respectability," considered all expedients lawful to gain a political end, and felt no compunctions in shooting with poisoned arrows or stabbing with poisoned knives. He did not then know that to a political adversary, no quarter was to be given; that he was to be hunted both abroad and at home, at his business or his fire-side; that in the veritable spirit of the bull of excommunication recorded in *Tristram Shandy*, they *cursed him in all parts and interdicted him from every thing*; that they *cursed him as Uncle Toby would not curse a dog*! That there are honorable exceptions from this description,

"Like angel visits, few and far between,"

is true; but that the description is strictly applicable to a majority of its *Whiggism*, its *Federalism*, its *Na-*

tional Republicanism, its *high tariffism*, its *anti-tariffism*, its *nullificationism*, or whatever *ism* may be assumed to favor the policy of the day, can never be doubted by those who, like Captain Elliott, have been subjected to the *domiciliary visits* of its political alguazils. He did not then know the character of the people with whom he had to deal, and consequently knew not the difficulties of his position. To be appeased was no part of their policy. All the energies of the National Bank were now summoned against the Executive, and recruits were to be called from all quarters. The President, and all who supported his views of this institution, whether active or passive as politicians, were to be assailed; and every individual and every subject connected with him or his administration, directly or remotely, were devoted to the sacrifice. Captain Elliott was a "Jackson man," and the "Figure Head" was a good subject for the declamation, the detraction or the falsehood of the press. Nor was this the only object. Captain Elliott was a Democrat of the Old School. The dominant party of Boston could not forgive him for this, and were resolved to drive him from their vicinity. Boston Federalists of influence were heard to say, "Captain Elliott is too republican for this quarter; we must get rid of him, and have his place filled by some one of more congenial politics."

The Secretary and Commissioners of the Navy, in reply to his application for directions under the circumstances *then* existing, left to his option the placing of the image upon the Constitution, or upon any ship of the line then building or repairing at Charlestown. Here, had Captain Elliott been treated with the courtesy due to the occasion, to his station and to himself, the affair would have terminated peaceably, the image would have been placed upon some other

ship, and the disgraceful scenes which have since followed, would have been prevented.

But before Captain Elliott received his directions from the Navy Department, the press had opened its batteries of vituperation; for a peaceful termination of the controversy was never intended by those who began it. An incendiary handbill was stuck about the streets of Boston, fraught with the ferocious spirit of mischief which characterises these mob-ruling days. It called upon "the Boston Boys," the "North Enders," to assemble a body, and with force, lawless, mob-like force, to invade the premises of the nation, and to tear down from a national ship the image of the national Executive, lawfully placed there by the nation's constituted authorities! To give the reader a specimen of the respectable missives which sometimes issue from Boston printing offices, which are stuck at the corners of Boston streets, upon Boston Banks, Boston Insurance Offices, Boston Court Houses and Boston municipal Halls, and which are read by Boston politicians with approving smiles, and mentioned with approving comments, the handbill is here offered, *verbatim, et literatum et punctuatim*.

"FREEMEN AWAKE!

OR THE CONSTITUTION WILL SINK.

It is a fact that the old 'Glory President,' has issued his special orders for a Colossean Figure of his *Royal Self* in Roman Costume, to be placed as a figure head on OLD IRONSIDES!!! Where is the spirit of '76?—where the brave *Tars* who fought and conquered in the glorious ship, where the Mechanics, and where the Bostonians who have rejoiced in her achievements? Will they see the Figure of a Land Lubber at her bows? No, let the cry be 'all hands on deck' and save the ship by a timely remonstrance expressing our indignation in a voice of thunder!

"Let us assemble in the 'Cradle of Liberty,' all hands up for the Constitution—let the figure head (if mortal man be worthy) be that of the brave HULL, the immortal DECATUR, or the valiant PORTER, and not that of a Tyrant.

Let us not give up the ship, but nail the flag of the Union to the mast head, and let her ride the mountain wave triumphant, with none aboard but the Sons of Liberty, all flesh and blood, having the hearts and souls of Freemen.

"North-enders ! shall this Boston built ship be thus disgraced without remonstrance. Let this *Wooden God*, this Old Roman, building at the expense of 300 dollars of the People's money, be presented to the *Office Holders* who glory in such worship, but for God's sake SAVE THE SHIP from this foul disgrace.

A NORTH-ENDER."

Did that portion of the Boston press which is opposed to the Federal administration, contain no rebuke of this threatened violence? no caution against this meditated infringement of the laws? *None!* NONE !! NONE !!! On the contrary, publications appeared in it tending directly to excite the very spirit which produced this threat, and to encourage its execution ; and citizens of acknowledged influence, who claim their share in giving a tone to public sentiment, were heard openly to express their hopes that the Constitution might never be permitted to leave the harbor with the President's image upon its bows. The press, and those who control and support it, called loudly upon Commodore Elliott to take the image off, and charged him with deliberate, studied and flagrant insult to the Boston community for refusing.

The image was ordered by Captain Elliott in June, 1833, while the President was at Boston. About the last of February, 1834, several months after the intention of thus adorning the ship was publicly known, the artist informed Captain Elliott of the complaints preferred at that late hour, who immediately addressed the Navy Department upon the subject. On or about the 21st of March, the artist informed Captain Elliott that three highly respectable citizens had offered him fifteen hundred dollars for permission to carry the

image away in the night ; in other words, to steal it!! He added that he might, if disposed, realise twenty thousand dollars for it; so great was the excitement then prevailing in Boston. His object being to point out the necessity of removing it immediately, since those willing to pay so much for permission to purloin it, might pay as much in hiring others to destroy it, Captain Elliott ordered it to the Navy Yard without delay. At the same time, he adopted every measure to insure its safe arrival, which all these incendiary publications and proceedings proved to be necessary.

Immediately after the image was deposited in the Navy Yard, the agitators of Boston, finding they could not prevent it from being put upon the ship, were resolved upon an attempt to have it taken off. The editor of a leading whig paper, now perhaps *the* leading whig paper of Boston, was importuned to ply his editorial guns with more vigor than ever. He was told that the image *must come off*; that Captain Elliott having thus far sustained himself in this assault, a reaction would ensue in his favor, unless he were vanquished. The war then must be continued, and the Figure Head *must come off*! Then appeared another handbill; and to give the sober citizens of other States a specimen of what can be done and approved by the dominant party of Massachusetts, a party claiming "all the talents, all the learning, all the *respectability*" of the State, it is here inserted.

"A PETTY TYRANT!

Bostonians! See you this? !!!

"Captain Percival, a brave and distinguished officer of the American Navy is under arrest by order of Commodore Elliott, for refusing to arm the men with cutlasses, who were sent under his charge to remove the Commodore's Toy to the Navy Yard. Captain Percival knew, that an American officer in the discharge of his duty, however disagreeable it

might be to himself, or offensive to the feelings of our citizens, needed no such hostile display to ensure the respect and protection of the intelligent citizens of Boston, and he therefore dared to do what it appears the Commodore himself would not have dared. It was the Commodore who feared that the exasperated feelings of the community might induce them to attempt the destruction of his wooden idol! and was determined it should be protected at the sacrifice of the lives of our citizens, when BLOOD was to have been the atonement for a profanation of the sacred image!!

"Who is this brave, this magnanimous and blood thirsty Commodore? Is he the same Captain Elliott who commanded the Ship Niagara at the battle of Lake Erie, and who, when the brave and lamented Perry was dealing death and desolation to the enemies of his country, and winning for her naval reputation imperishable renown, and for himself the greenest laurels; is he the hero who then stood off like a poor man at a frolic, and barely kept his ship within reach of the enemy's longest guns, and would have disgraced his ship, had not Perry himself promptly boarded her, and brought her into action, in time to participate in the glorious result.

"Is this the same man who declared to Commodore Perry that he had lost the finest opportunity an officer ever had for distinguishing himself,—and afterwards when chagrined and mortified at reflection upon his own cowardly conduct, expressed his regret that he did not 'sacrifice the American fleet,—and blast the reputation of its gallant commander?' Was it he of whom the British officers who commanded on that occasion declared—'that if he had belonged to the British Navy he would have been hanged?' If this is the man, fellow citizens, has he not already done enough to tarnish the high reputation of the navy, which is the pride and boast of every American? And ought he not to be held up to the scorn and contempt of an indignant community, for this further attempt to degrade the service, by placing this device of his weak imagination, this wooden representation of the Old Soldier King, as a suitable emblem for the head of our Constitution, the battle-scarred and storm-beaten Old Ironsides, who, without any such 'ornament,' and with nothing but the stars and stripes of her country's banner floating above her, will ever be the pride of her friends, and the terror of her enemies, without any 'improvement' or 'glory' which Commodore Elliott can add to the republican simplicity of her own matchless Hull!!!

“BOSTON BOYS—In the days of ’74-’75, when the minions of despotic power dared to insult and outrage the feelings of the people, by wanton acts and threats of petty tyranny, they received at the hands of your fathers such brief and summary punishment as their conduct merited—A COAT OF TAR AND FEATHERS, was then considered a suitable emblem and ornament for such contemptible fools.

“TEA PARTY.

“*Cradle of Liberty, March 27, 1834.*”

As Captain Percival has been brought before the public by this handbill, in an attitude in which few American officers would wish to stand, justice to him, as well as to Commodore Elliott, requires that the facts should be correctly reported. The handbill charges the Commodore with ordering the men to be armed, who were sent to transport the figure head from Boston to the Navy Yard. If he had any ground for apprehending an attempt to steal or carry it away, he would have been very negligent of his duty in omitting such precaution. But the handbill also says that Captain Percival refused to obey this order, and thus accuses him of an act of insubordination, of contemptuous disobedience of a lawful order, which could never be tolerated in any military service, and which would have cost him his commission. Captain Percival was too well informed upon his official rights and duties, to commit a folly so flagrant. He was indeed guilty of disobedience of orders; but the disobedience was of a much more venial character than that imputed to him in the handbill, and had a shadow of pretext; a color of right. He received a verbal and confidential order from Commodore Elliott, to receive certain arms from the gunner; which would be sent to him by Captain Smith, the Executive Officer of the Yard, who was verbally and confidentially ordered to deliver the arms to the gunner, to be delivered to Captain Percival. When the arms were carried to him by the gunner, he refused to re-

ceive them without a written order from Captain Smith. Here he was in the wrong. A *verbal* order delivered in person from a commanding to a subordinate officer, is equally obligatory with a *written* order, and disobedience of it is often deemed a greater military offence, than disobedience of the latter. A written order may be forged; but in a verbal order, personally delivered, there is no room for doubt or misunderstanding. So sensible was Captain Percival of having committed an error, that he made a satisfactory explanation the very next morning after the occurrence, and was immediately liberated from his arrest and restored to his command. The following letter from Commodore Elliott to the Secretary of the Navy, places the affair in its true light.

“*Navy Yard, Boston, March 31st, 1834.*”

SIR,—As the operations of this yard have of late been subjected to the criticism and unnecessary attention of a few of the citizens of Boston and its environs, and as several of my official acts have been misrepresented through the public prints, I have deemed it my duty to give the department a statement of facts relating to the subject, that should any call be made upon it for documents, it may be enabled to comply with it by answering the whole subject at once.

Having understood from the artist who was to carve the figure head for the Constitution, and from handbills extensively distributed outside, that threats had been made against its completion or removal, and wishing to prevent the people of Boston from being eternally disgraced by a few heated political partizans through a midnight removal. I determined to remove the head to the yard in the usual manner, that is by boxing it up and bringing it from Boston in the launch.

I accordingly on the 21st inst. directed Sailing Master Hixon, upon whose discretion I could rely, with a boat's crew composed of the seamen and ordinary seamen of the yard to proceed to Boston and receive the head. I also ordered him not to take any arms with him, nor to let any of his party.

The officer executed his duty at 9 o'clock in the morning, and the whole affair was concluded to my entire satisfaction.

In the evening of the same day, having been informed by anonymous hand bills and report of conversations outside, that an attempt would be made to take the head from the yard, I sent for Master Commandant Percival, and directed him confidentially to receive on board the Columbus, certain cutlasses and boarding pikes that would be sent down to him by Captain Smith, so that in case of any necessity, they could be used by the seamen and ordinary seamen belonging to the yard; but of this necessity, I stated to both him and Captain Smith confidentially I had no expectation; but still I deemed it my duty to take this precautionary measure.

Captain Percival received this order without raising a question against complying with it, and went on board, as I concluded, to make the necessary preparations for having it executed.

Captain Smith, the executive officer of the yard, was then ordered to send the arms on board; this he did by giving instructions to the gunner to go with them.

Upon the gunner's going on board the ship, Captain Percival sent for him and refused to receive them without a written order from Captain Smith. The gunner then went for Captain Smith, but not finding him, returned and took the arms away.

The gunner then reported the same to me, when I sent for Captain Percival and demanded an explanation; this he refused to give in any other manner than by saying he would receive no orders from a gunner. I told him that it was my order, and he knew it previously; he again replied he would receive no order from a gunner or any officer of a navy yard. I then suspended him from duty, and placed the direction of the ship in the hands of Lieutenant Varnum, who received the arms and executed the order with promptness.

The next day Captain Smith came to me, and said that Captain Percival was wrong, and would probably make an explanation that would be satisfactory.

Captain Percival did so, as per copy marked A, and was restored to duty as per copy marked B. This, sir, is the true statement of the case, and I should not have deemed it necessary to bring it to the notice of the Department, were it not for the attempt that has been made to produce a wrong impression upon the public mind, without a proper disposition to correct it.

Respectfully,

J. D. ELLIOTT.

Hon. LEVI WOODBURY, Sec'y of the Navy."

Nor were these handbills the only missives that appeared in this controversy. *Anonymous letters*, aye! ANONYMOUS LETTERS! that detestable expedient which, it may be boldly affirmed, is carried to a far greater extent in Boston than in any other city in the Union, were poured upon Captain Elliott in showers. Perhaps nothing can so thoroughly indicate a want of virtuous principle and honorable feeling, as the writing of anonymous letters. The late Mr. Randolph once said in the Federal Senate, that he who would write an anonymous letter, would put poison in his neighbor's drink. The declaration is true; for to be capable of writing an anonymous letter *to* another for the purpose of threatening or insulting, or *of* another for the purpose of defaming, one must unite all the qualities that may define an assassin, and be restrained from any crime, however atrocious or base, by fear of punishment, and not by horror of guilt. He is a combination of the villain and the coward; he is restrained, if at all, by the lash and the halter, and not by honor or conscience. The following inclosed the handbill last mentioned.

“*Boston, April 30, 1834.*”

MR. ELLIOTT,

SIR,—I have visited the Navy Yard this afternoon, and was favored with a view of that detestable TYRANT whom you worship. I consider the public ships as my property—as every other friend of his country—I must say, Sir, that I look upon you as an enemy to your country, as you appear in all respects to worship the man who has dared to set at defiance the will of the sovereign people. You will see in the enclosed handbill what seven eighths of the citizens feel towards those who are ready, as you have been in this, to follow the track of the OLD SCOUNDREL whom you take as a pattern.

AN ENEMY TO TYRANTS.”

The same handbill was published in a very scurrilous newspaper called “*The Experiment*,” a paper

which was extensively patronized by the "Whig" party of Boston, and which at length became so excessively libellous, that, upon complaint of some members of the Democratic party, it was indicted as a nuisance. This handbill, cut from "The Experiment," was sent to Captain Elliott, inclosed in the following anonymous letter.

"DEAR SIR,—I would advise you to wear a tar and feather proof coat the next time you walk in Boston streets, also to read *the within* twice a day.

NO FRIEND TO COWARDS."

The following is an extract from a "Whig" newspaper published in Charlestown, called the "BUNKER HILL AURORA," and from thence republished in the leading "Whig" paper of Boston, and emphatically the organ of the "Whig" party of Massachusetts. This extract was transmitted to Commodore Elliott in an anonymous letter.

"THE WOODEN IMAGE.

"The 'wooden Andrew Jackson' has been placed on the bows of the noble and venerated ship, the Constitution. We have since visited the Navy Yard, and witnessed the desecration of this national ship to the very worst impulses of party sycophancy—man worship! We can regard the completion of this act of Commodore Elliott's in no other light than that of a mean and contemptible outrage upon the public feeling, merely to gratify his own partizan partiality. It is a partizan act of one in the pay of the government, who is paid for his services, for attending to the proper discharge of his official duty, and not for the adoption of measures of a party character, not for making 'graven images' for individual or public worship. It is an improper and obnoxious expenditure of the public money, for which he should be held accountable. We are not disposed nor authorized to dictate to Commodore Elliott the line of his duty. If we were, we should tell him he had overstepped his bounds, and suffered his private feelings, to the detriment of the public mind, to guide and govern, where a better discretion and

judgment ought to have directed. The act is one of marked self-sufficiency ; of a warm partizan discharging the official duties of his station under the impulses of personal adulation and sycophancy. It is an act which is now, and will prove hereafter, if it get on the page of history at all, discreditable to his judgment, his liberality, his patriotism and public virtue. A man who could be guilty of such an act, in defiance of that portion of the public most interested in it ; in outrage of their unmingled feelings of patriotism and veneration for their favorite ship ; and all this from no impulse of duty, from no bounden obligation to his country or its welfare, but from the weakest and most contemptible servility, from an idle gratification of a partizan feeling, must be looked upon by all sensible men with pity and commiseration, rather than respect. We have no patience to exercise towards such a public agent."

Whence came these *respectable*, these *chivalrous* communications to Captain Elliott ? They bear not the stamp of *vulgar villany*. They are not scrawled in the constrained and awkward characters of one to whose "*huge paws*" the pen was a stranger ; nor on paper grimed and smooched and smutted by the unclean hands of some humble rioter ! Oh no ! True, the characters are disguised ; but from beneath the assumed constraint, the counterfeit sharp turns, peeps out the facility of some practised penman ! They are written in good book keeping ink ; on paper that becomes the desk and the counting house ! *Fashion* has been familiar with them ! They are the work of "rogues in ruffles !"* rascals of "the better sort."

What, under these circumstances, should Captain Elliott do ? What would any candid and honorable mind wish him to do ? When the presses of the dominant party in Boston, presses representing the majority of its numbers, its character, its influence and its wealth, demanded of him, in a volley of scurril

* Baron St. Leger, an English judge in the reign of Henry IV, said that he rendered more service to the public by hanging one rogue in ruffles, than twenty common malefactors.

taunts, to tear down from a national ship the lawful work of the nation's constituted authority ; when anonymous ruffians threatened to storm the navy yard, and anonymous miscreants to assassinate him, was he to cower before the abuse ? To quail before the threats ? A brave officer, an honorable, high-souled man could not be expected thus indelibly to stain his country's uniform ! The sword of honor* presented to him by the Federal Legislature as a testimonial of his courage and patriotism, was not to be defiled by a blot so foul ! Had he allowed a single hand to assail the frigate openly with hostile intent, without turning its guns upon the assailant, he ought to have been convicted by a Court Martial and shot ! He did what duty to his country required ; what every mind that feels generously and thinks justly will applaud him for doing. He treated the abusive demand, the threat of assassination, like the idle wind, and prepared to repel by FORCE, any forcible assault upon the premises confided to his charge.

What followed ? A pamphlet appeared ! A hireling from the darkling brood of party ruffians stirs with a dagger the ashes of a hero's grave, to rekindle the brands of a forgotten controversy. For what ? To scorch the well earned laurels of a man too dignified to heed the hissing of political serpents, too brave to be intimidated by the threats of a mob ! Yes ! A pamphlet, an iteration through the press, of charges which the Executive of the Union did not consider worthy of investigation, after slumbering in deserved obscurity for thirteen years, is again revived in the *moral*, the *magnanimous* city of Boston, at the very period when Captain Elliott is threatened with mobs and assassination ! This pamphlet, published at Washington in 1821, by a relative of Commodore Perry, as appears from its 24th page, and which is

* Appendix J.

the very publication that has been reviewed in the foregoing pages, was reprinted at Boston in the spring of 1834, and distributed in large numbers throughout the country. It was advertised in the BOSTON DAILY ADVERTISER of June 6, 1834, a Federal paper of long standing, of great influence in the Federal party, and beyond all question the most candid, the most decorous paper of which that party in Boston could *ever* boast. Yet even in *that* paper was this publication ushered in the following terms, before a community *pretending* to regard the courtesies and decencies of life.

“Rare Work.—The official documents containing the opinion, charges and specifications of the late gallant Perry, with numerous affidavits of men, brave and distinguished in the service, relative to the conduct of Captain Elliott on Lake Erie—a few copies for sale at the bar of Mr. Rogers, City Hall, State Street.”

To those not acquainted with Boston, a short account of the persons and localities mentioned at the close of this advertisement may be interesting; for it may serve to show what sort of persons were directly or indirectly concerned in, or gave their countenance and approbation to this “Rare Work.” State Street contains the exchange, and nearly all the banks, insurance offices, offices of stock and exchange brokers and notaries public, and other places where “merchants most do congregate.” The City Hall is an edifice at the head of this street, containing upon the ground floor, the Post-office, and the reading room of the merchants; on the second floor, the halls of the two branches of the government of the city, being the Mayor and Aldermen and the Common Council; and on the third floor, the offices of the municipality, being those of the Auditor, Treasurer, City Clerk, Board of Health and others. “The bar of Mr. Ro-

gers" is what its name imports, a place for the sale of refreshments, being a room in a corner of the large hall or vestibule upon the ground floor of the edifice, which serves as an entrance to the Post Office on one side, and the merchants reading room on the other. "Mr. Rogers" is a very civil and attentive gentleman who keeps said bar, is intrusted with most of the foreign letters that pass through the Boston Post Office for the New York packets, and other ships for foreign ports, and is frequently employed to sell or distribute books and pamphlets from the Boston press, piles of which are generally seen upon his shelves. His customers are among the frequenters of the reading room, who are nearly all the merchants and manufacturers and traders, officers of banks and other monied institutions, principal mechanics, many of the lawyers, editors of newspapers, and some of the most respectable and some of the least respectable brokers. The reader will perceive that no place could be better fitted for the distribution of a pamphlet than "the bar of Mr. Rogers, City Hall, State Street," and will justly infer that this publication was countenanced by the influence, the character, the "respectability," the *elite* of the city ; and the mode in which this countenance was shown was the distribution of this pamphlet over the country.

Copies of this "Rare Work" were sent to Commodore Elliott. One was inclosed in a letter couched in the following terms.

"A sycophant cannot be a brave man, the pamphlet therefore is needless to prove it.

HOMO."

Another was inclosed in the following letter.

"If Commodore Elliott is very much at a loss to divine the cause of the republication of a "*Rare Work*" as recently advertised, let him take a stand for a short time in front

of the 'Figure head' of Old Ironsides and imagine to himself the *universal* feeling of indignation and contempt with which his man worship is viewed by *nearly all* the citizens of this vicinity.

I do not know that the figure head is the *cause* of the publication at this time, but being a Yankee *I guess it was*.

HULL.

June 10, 1834."

This pamphlet was also distributed in the Navy Yard, as appears from the following letter, sent to Captain Elliott.

"*Saturday evening.*

SIR,—In the Mercantile Journal of last evening there is a notice of your arrest of Lieutenant Babbitt which I recommend to your notice. Your conduct towards this meritorious and *brave* officer is the universal topic of conversation in State-street. It is pronounced by one and all as a *tyrannical* COWARDLY procedure, and adds, if possible, to the contempt in which you are held by

BOSTONIANS.

N. B. Sixty copies of the *pamphlet* of Perry are this day distributed gratis in the Navy Yard."

But as if the cup of outrage were not yet full, the following epistle was sent to Commodore Elliott through the Post Office.

"*North End 24th.*

We have made you abandon the Constitution; take Jackson's name off of the dock, or in 48 hours you breathe no more.

MANY NORTH ENDERS.

Com. ELLIOTT,
Navy Yard."

The dock here mentioned is the dry dock recently built at the Navy Yard of Charlestown, for the repair of ships. Upon the western wall of it are engraved

in the stone, the names of the President of the United States and the Secretary of the Navy under whose administration it was constructed, and of the engineer who built it; Andrew Jackson, Levi Woodbury and Loammi Baldwin; and likewise the names of the President and Secretary of the Navy under whose administration the appropriation for building it was made by Congress, viz. John Quincy Adams and Samuel L. Southard; all which was done by orders from the Navy Department, at the suggestion of Commodore Elliott.

But the public works are to be defaced and mutilated by the commandant of the yard, whose duty is to guard and preserve them, because the inscriptions upon them are not agreeable to the "North Enders!!" There seems to be *no end*, North or South, to outrage in the *moral* city of Boston!

But unawed by threats, undisturbed by slanders, Commodore Elliott pursued the even tenor of his way. The image was placed upon the ship; and fully confiding in the integrity of all within the Navy Yard, and contemning all anonymous threats of violence from without, he took no particular pains to guard it. The frigate being moored between two ships of the line, both guarded by sentinels, he supposed that no one could approach it by water without detection, and knew that by land, it was inaccessible excepting to treachery. But soon an event occurred, which will forever impress a deep stain upon the dominant party of Boston! Like the spot of blood upon the hand of Lady Macbeth, it never can be washed away! It will forever remain, a seal of reprobation, an evidence of the contempt of law, honor and *decency* which her dominant party, the majority of her citizens, headed by the principal, the most influential, can *instigate* and *approve*. On a very dark and stormy night, during a heavy shower of rain, the

head of the image was sawed off!! Yes! The premises of the Nation were clandestinely invaded, a national ship was mutilated and defaced, and the constituted authorities of the nation insulted! It might have been supposed that in a community professing respect for the laws, this illegal, this criminal proceeding would have been publicly disavowed and censured. It might have been supposed that the Boston press, while condemning the policy and measures of the administration, or the choice of an ornament for the frigate Constitution, would condemn this mode of expressing disapprobation. To oppose the President's election, to oppose the election of all public officers favorably disposed to his views and policy, was lawful, for it was one of the very privileges obtained by the blood of the revolution, and guaranteed by the existing institutions. But to express disapprobation by insult, indignity, violation of law, was declaring war, not so much against the chief magistrate of the nation and other public servants, as against the institutions which created them. The indignity was less to Andrew Jackson, than to the constitution and laws! But no! The press was replete with approving, with exulting paragraphs, and the exchange, the reading rooms, the insurance offices, and other places of resort to those who give or claim to give the tone to public sentiment, were filled with smiling countenances and resounded with exulting congratulations! Yes! The citizens of Boston were exulting over a crime! a violation of the laws! a lawless, moblike act! an indignity to the constituted authorities of the nation! Had the image been that of a member of Congress, of the Judiciary, of a naval or military officer in commission, of a head or member of a Department, of any public officer, the proceeding would have been the same. It would have been an indignity, through the officer, to the

constitution and laws! The following is Commodore Elliott's account of this affair to the Navy Department.

*"Navy Yard, Boston,
July 3d, 1834.*

SIR.—I herewith enclose a communication from Lieutenant James Armstrong, of the receiving ship Columbus, relating to an outrage committed upon the frigate Contsitution, a vessel of war of the United States, while moored between the seventy-four's Columbus and Independence at this yard, by some person or persons unknown.

This insult to the Government appears to have been long premeditated, and while the head was in possession of the carver in Boston, a bribe was offered to him by three persons of high standing in the city, provided he would let them carry off and insult it unmolested; this bribe was rejected by the carver, who gave me information, which induced me to have it removed to and finished at this yard, as I informed the Department on the 31st of March last.

Some one, however, last night, in spite of the sentinel and the watch on board of the Columbus, found means to carry the project into execution during a severe storm of wind and rain.

Suspicion rested at first upon the marine on post, and the ship keeper; but it seems to me at present more than probable that some person from outside the yard concealed himself on board ship during the day, and at night, when the storm raged at its highest, accomplished his work and made his escape. I come to this conclusion, as the lower gate of the yard, which is for the use of the officers, was found open in the morning, although fastened at 10 o'clock at night.

A few days, doubtless, will enable me to obtain further information as to the planner and executor of this midnight outrage

Immediately upon learning the fact this morning, I sent for the carver of the head and demanded the names of the individuals who offered him the bribe previous to its removal from his charge. These he declined giving me until compelled to do so in due course of law, as he said he was under a charge of secrecy.

From this and other circumstances, I am satisfied that the head was removed by some person who was acting under the influence of a bribe; but a small part of the head, however, was mutilated and that part will be replaced immediately. Understanding from the public prints that there has

been a change in the Head of the Department, I respectfully call your attention to my letters of February 22d and March 31st, now on file in your office, for a correct statement of my transactions in regard to this ornament, from its commencement to its removal to this yard.

I make this communication, that the Department may give me such instructions with regard to taking legal steps on the subject as it may deem proper. I am sorry to say that I perceive a hostile feeling existing against the continuance of this ornament in the highest circles of those opposed to the administration.

Respectfully,
J. D. ELLIOTT.

Hon. Secretary of the Navy, Washington.

P. S. Reference can also be made to my letters to the Navy Board upon the same subject."

But the worst is yet to be told. It was stated in the newspapers that when the image was mutilated, the part removed fell into the water and was lost. Subsequently they stated that a young man appeared in New York, boasting that he had perpetrated this outrage. These paragraphs were probably intended to mislead the civil authority of the United States for the District of Massachusetts, if they should contemplate any measures for detecting and prosecuting the offenders. Another object probably was to conceal all knowledge of the transaction until after the perpetration of another outrage, then doubtless in contemplation. A few weeks after the figure was mutilated, the President of the national bank visited Boston. While he was there, some of the leading, the most active "Whig" politicians, particularly those connected with the monied institutions, to the number of forty-four, invited him to an evening entertainment at one of the Boston coffee houses. After the cloth was removed, the servants were sent from the room, the doors locked, and,—Bostonians! blush while the revolting story is told! THE HEAD OF THE IMAGE WAS BROUGHT IN, LAID UPON

THE TABLE, AND BACCHANALIAN ORGIES WERE HELD OVER IT!!! Yes! The head of the mutilated statue of the President of the United States, of the chief magistrate of the nation, feloniously taken from a national ship, was laid upon a supper table, around which were assembled forty-four of those who call themselves the most respectable citizens of Boston, exulting, triumphing over the criminal, the outrageous removal of it from the Navy Yard! And is this the chivalry of Boston? Can those who claim to constitute its character, its influence, its public sentiment; great capitalists, rich merchants, opulent manufacturers, presidents and directors of chartered companies, municipal officers, members of State Legislatures, candidates for Congress! can they assemble at a Pandemonian banquet, and celebrate with licentious orgies a violation of the laws, an indignity to the chief magistrate of their country! the representative of its executive sovereignty? Shame! shame!! To oppose the public servants for the time being by constitutional and legal modes, is to exercise the right of opinion, the glorious privilege of the American citizen; but to exult over a cowardly, clandestine violation of law, by clandestine insults and indignities to the constituted authorities, indicates a deplorable deficiency of that political moral sense which is a vital principle of our institutions, upon which they must rely for support.

Nor was this Pandemonian banquet the only premeditated insult that was attempted, if not achieved. On the night of the last Congressional election in Boston, about five hundred citizens assembled beneath the windows of one of the printing offices, to hear the returns of votes announced from the several wards of the city, and rent the air with shouts as each "Whig" majority was proclaimed. Having heard all the returns, they moved in a body to the house of their

representative elect, to congratulate him upon his success. They then marched to Charlestown, to offer their congratulations to Mr. Everett, the member for Middlesex. While there, some of them proposed that after taking leave of Mr. Everett, they should "go to the Navy Yard and give the old Commodore a devil of a rattling!" An officer of the Navy, drawn to the crowd by curiosity, hearing this, immediately performed his duty by notifying the Commodore of the intended compliment, who was not remiss in preparing to acknowledge it. As they started upon this laudable errand, a gentleman of Charlestown warned them to desist, saying he knew the Commodore well, and that they would have abundant occasion to lament their rashness. They proceeded, but on the way, wisely concluded that discretion was the better part of valor. The Commodore was ready to return their salute; all the marines in the yard being under arms, and about 150 sailors, well armed, ready to join them. It is needless to say that the example set by the civil authorities of Charlestown at the burning of the convent, would not have been followed by Commodore Elliott.

It has been truly said that from the sublime to the ridiculous there is but one step. It may be said with equal truth that with a portion of the Boston "Whig," or National Republican, or Federal politicians, the distance from the wicked to the contemptible is equally short. The Secretary of the Navy, a Democratic republican of the *Old School*, and of that inflexible cast which can be neither seduced nor intimidated, while visiting the Navy Yard in company with the Commissioners of the Navy, ordered the covering of canvass then placed upon the mutilated figure head of the Constitution, to be continued upon it, saying that no repairs or alterations of it should be made while the ship remained in Boston. Every American citizen

in whose bosom burns one spark of national pride, must honor Mr. Dickerson for this decision; and the objects of the rebuke, while smarting under its severity, cannot deny its justice. It was equivalent to telling them that they were unworthy of the trust of having the national ships among them; that the *Constitution*, hallowed by so many associations of national glory, should go out from among them as they had left it, *defaced and mutilated*; and that the citizens of other parts of our country should see the evidence of their dastardly spirit! So soon as this intention became generally known, the greatest anxiety was manifested among those who instigated, or openly applauded, or exulted in the outrage. They were ashamed of having this proof of their contempt of law and decency exhibited elsewhere. In this state of perturbation, several of those denominated "the most respectable merchants," contrived to inform Commodore Elliott that *if he would remove the figure of the President from the ship, any substitute which the Commodore might order should be executed at their expense!!!* And so a lawless outrage upon the premises of the nation, the mutilation of a national ship, and a wanton insult to the national Chief Magistrate, are to be expiated and atoned for by — the offer of the perpetrators, instigators or approvers to pay for repairs!!! National honor, professional character, official fidelity,—all—all are nothing to Commodore Elliott,—mere dust in the balance compared with a *sum of money* from these "most respectable merchants!!" And are these the Medici of Boston? How elevated must be their sentiments! They doubtless kept an account current with the nation, placing their lawless outrage upon its dignity on one side of the ledger, and the estimated cost of repairs on the other. Tristram Shandy's account current with his conscience is thrown quite in the shade, by this ba-

lance sheet of Bostonian political morals. The Grays and Crowningshields of the last war were a different sort of merchants from these modern Medici.

Disappointed in this characteristic project, some one of those concerned sent to Commodore Elliott an *anonymous* and abusive letter, inclosing what the writer avowed to be a piece of the *figure head*. This is a singular confession, and one which refutes certain statements of the Boston "Whig" newspapers, published immediately after the perpetration of the outrage. The reader will recollect the statement in these papers, that the portion of the figure sawed off fell into the stream and was carried away. How then did the writer of this anonymous letter obtain a fragment of it? This would indicate either that it was not carried away by the tide, or was recovered afterwards. Had it been so recovered, the fact would have been very exultingly announced in the Boston newspapers and Boston circles; for as the accidental finding involved no legal or moral offence, no motive could exist for concealing it. No such fact having been announced, the supposition remains that it was not lost, but very carefully delivered to the instigators of the outrage. This is confirmed by a few singular facts. A "Whig" merchant, while conversing with a group in State street, pulled from his pocket a piece of wood, and exultingly showed it as a piece of the *figure head*, saying that the head was then in State street, and that he had recently seen it. Another "Whig" merchant, a president of an insurance office, exhibited a list of names, saying they were the names of *forty-four* who had seen the *figure head*, and that others might see it under an injunction of secrecy. These facts show that the part severed was delivered in Boston, and corroborate the account of the revel held over it; this list containing the names of the subscribers to this memorable feast. Another fact is con-

firmatory. Several "*respectable merchants*" having expressed some anxiety to have the figure repaired, Commodore Elliott directed them to be informed that it could be easily done upon their sending back to the Navy Yard the part removed. If sincere in their wish to have it repaired, they would have improved this hint, and had it secretly conveyed to the Navy Yard. But the Commodore was told that this was impossible, for *the head was cut up!!* Each of the *forty-four* has doubtless preserved a trophy of this chivalrous enterprise!!

Still disappointed, the "Whigs" of Boston concerted another characteristic project. Unwilling to have the ship leave the harbor as a monument of their disgrace, and unable to prevent it by either persuasion or bribery, they thought of resorting to force; and accordingly caused Commodore Elliott to be informed that if he persisted in carrying away the Constitution in that condition, guns would be carried to the lower part of the harbor, stationed opposite the channel, and fired upon the ship if he attempted to pass. He replied that when the ship passed, he should be on deck, and prepared for every thing. Though it is impossible to believe that they were serious in threatening this insane step, yet their readiness to offer the threat is a stroke of character. It shows by what expedients they are willing to accomplish their designs.

Another instance of characteristic behavior is now to be recorded. While these attacks upon the fame of Captain Elliott were so rigorously prosecuted in Boston, a paragraph appeared in a newspaper in Philadelphia, purporting to be founded upon a letter from Boston, stating that on appearing at the Tremont Theatre, he was saluted with hisses. This tale was without foundation, for no such incident occurred. It was fabricated and sent abroad for political effect.

Falsehoods and forgeries upon the eve of elections, or for attaining any political object, have long been common with the dominant party in Boston; and with anonymous letter writing, secret slander, dastardly sneering, and other disingenuous practices which can never prevail among a high minded people, have brought deep reproach upon New England from other sections of the Union. If these practices are confined to Boston politicians, it is time for the rest of New England to disavow them, to exonerate themselves from the reproach, and to cast it where it belongs. If they are common in the Eastern States, it is time for those who practice them to begin the work of reformation. They are truly detestable practices, and originate in that *cunning* which is not an infirmity common to great minds.

CHAPTER XVIII.

Court Martial at the Navy Yard in Charlestown in the, spring of 1835. Treatment of Commodore Elliott.

It now becomes necessary to relate another attempt upon the fame of Commodore Elliott. On the 25th of September, 1834, a Court Martial was ordered at the navy yard at Charlestown, for the trial of Lieutenant Babbit, upon charges preferred by Commodore Elliott. Mr. Babbit appeared in court by his counsel, a lawyer in very respectable practice in Boston, a protégé of the Boston monied aristocracy, having, from the very commencement of his professional career, been one of the especial objects of their patronage and protection. Though he has shunned political life, and devoted himself exclusively to the law, yet, the son of "an old Federalist of the Boston stamp," himself of the same persuasion, he has usually been put forward in legal cases that partook at all of a political character. Indeed he may be considered as one of the favorites of the exclusive Boston junta, and therefore one whom Mr. Babbit would be advised to consult, in a trial in which this junta expected to overwhelm Commodore Elliott with mortification.

On the day when the defense was to be read, a large concourse assembled at the court room to hear it, and to witness the signal victory to be obtained

Dr. G. Loring. p. 348.

over Commodore Elliott. Among others, the widow and two little children of the late Dr. Babbit were present, and without her agency, placed in a very conspicuous station. The defense, which was read by the counsel in a very emphatic tone, contained the following paragraph.

"I might appeal to the facts, that I alone of the three sons of a widowed mother, who entered the Naval service of the United States, survive to maintain her. That one of them, holding the rank in which I now stand, fell honorably at his post in battle, during the last war, and I might point to the grave of the other, in a foreign land, who received his death blow while executing an order given by the prosecutor, under circumstances which it is believed he will never forget; leaving a widow and children, who look to me as their protector and guide."

The counsel read this paragraph with what was intended for a thrilling emphasis, and with a glance directed to Commodore Elliott, the object of which seemed to be little less than his annihilation. As was to have been expected, the eyes of the whole audience were immediately turned upon the Commodore; and as most of them appeared for the especial purpose of witnessing his humiliation, they responded to the emphatic tones and significant gestures of the counsel, with the exulting looks of those who thought a signal triumph already achieved. Commodore Elliott heard this with astonishment and scorn; astonishment that he should be the object of an imputation so heinous as the murder of the late Dr. Babbit, for such was the obvious meaning of the counsel's words; and scorn of the baseness, whose ever it was, that could invent such a slander. Turning from the counsel with a look which plainly said "we shall meet again," he cast a glance of compassion upon the afflicted widow and her orphan children, thus dragged into court for the purpose of hearing a foul libel upon their benefactor; thus ostentatiously paraded by the mana-

gers of the scene, for the purpose of imparting to this libel a dramatic effect. Well may it be supposed that he rejoiced more than ever in having been to that widow and those orphans an efficient friend in the hour of need! He then turned to the counsel, and with an aspect of calm dignity, denoting a settled purpose, heard him through the remainder of the defense. The counsel, having concluded, bowed very respectfully to the court, and somewhat triumphantly to the audience; and "last, not least," saluted Commodore Elliott with a very low bow and a smile of most withering politeness. Commodore Elliott returned these civilities with a bow still lower, and a look denoting a determination to pay due attention to both friends and foes.

The settled purpose which he conceived so soon as this slander was uttered, was immediately carried into execution. The reader will remember that the late Dr. Babbit, to whom he was thus accused of having given a *death blow*, was surgeon of the Cyane in 1826, while that ship was on the Brazilian station, under the Commodore's command. Having obtained permission to go on shore for several days, he was requested by his friend, Dr. Bond, U. S. Consul at Monte Video, to visit one of Dr. Bond's patients, an English gentleman, at the hospital, ill of small pox. Dr. Babbit suggested that he might be liable to infection; for though he had been vaccinated, yet, having undergone several salivations for hepatic complaints, he was apprehensive that the preventive had been eradicated from his system. He was nevertheless persuaded to accompany Dr. Bond to the hospital. On returning to the ship, he expressed to Commodore Elliott his apprehension of having taken the small pox, saying he should never forgive himself, should that disease be introduced on board through his agency. The

Commodore replied that he had indeed done wrong in visiting a patient ill of small pox under such circumstances, but that what was past could not be remedied, and that if, unfortunately, he should have contracted the disease, no exertions would be spared for his relief. The surgeon's mate soon afterwards reported him sick, and in due time, the indications of small-pox were decisive. Commodore Elliott immediately advised his removal from the cockpit, saying he would be more comfortable above, and that half of the cabin was at his service, and should be prepared immediately for his reception. Dr. Babbit declined, saying he was as comfortable in the cockpit as he should be elsewhere, and the crew less exposed to infection than if he was above. Dr. Moore, the surgeon's mate, also advised his remaining in the cockpit. Commodore Elliott, discovering symptoms of timidity among some of the officers and crew, and knowing that, having all been vaccinated, they were perfectly safe, still urged Dr. Babbit to consent to a removal, for the double purpose of affording him more comfortable accommodations, and of dispelling the fears of the crew about infection. Finding the patient inexorable, he ordered the midshipmen to be removed from the steerage to the gun deck, for the purpose of rendering the patient's quarters more quiet, and while he lived, continued to bestow upon him all the care and attention of a parent. His remains were transported to Rio de Janeiro, and buried on shore with military honors, Commodore Elliott, with his own hands, placing the last shovel of earth upon the grave.

The decease of Dr. Babbit was communicated to the Secretary of the Navy by Commodore Elliott, in a letter dated May 29, 1826.

Upon Commodore Elliott's arrival at Charlestown,

to assume the command of the Navy Yard, he found the widow and children of Dr. Babbit with no other means of support than her exertions, aided by Lieutenant Babbit, who, having himself and his mother to support from his pay, had but little to spare. Commodore Elliott immediately took the measures necessary for procuring a pension for her, as will appear from the following correspondence.

*"Navy Yard, Boston,
Dec. 16, 1833.*

SIR,—I herewith enclose a memorial from widow Maria Babbit.

This lady is now in this Yard, with two young children, wholly dependent upon others for support.

I am induced to enclose this memorial to you, as Surgeon Babbit died on board of the U. S. Ship Cyane, under my command on the coast of Brazil, in the year 1827, of small pox, contracted in the discharge of his professional duties; and as I know that your generous feelings will prompt you to do every thing in your power, to render a service to the afflicted widow, and her fatherless children.

I enclose you a copy of my letter to the Navy Department of the 12th of Sept. and of the Secretary of the Navy's answer of the 16th, by which it will appear that the Department can do nothing for her relief, without the action of Congress. Should you think that any other members of Congress should be written to on the subject, if you will inform me by return of mail, I will communicate with them accordingly.

Respectfully, &c.
J. D. ELLIOTT.

The HON. EDWARD EVERETT,
Member of Congress, Washington."

"Washington, Dec. 27, 1833.

COM. ELLIOTT,—Dear Sir, I have your favor of the 16th, which appears to have been delayed by the irregularities of the mail.

I will this day present the memorial of Mrs. Babbit to the House of Representatives.

I should think, if you wrote to Mr. C. P. White, of the H. R., Chairman of the Committee of Naval Affairs, that it would be serviceable.

I shall take great pleasure in exerting myself to obtain that measure of relief for Mrs. Babbit, to which the nature of her claim so justly entitles her.

Respectfully, &c.
EDWARD EVERETT."

Commodore Elliott also addressed Mr. White, pursuant to the suggestion of Mr. Everett.

As was before said, Commodore Elliott lost no time in taking the steps upon which he had decided on hearing this defense of Lieutenant Babbit. He immediately wrote to the gentlemen who were officers of the *Cyane* in 1826, for the history of Dr. Babbit's sickness and death. Having received replies from two of them nearest to Boston, Lieutenants Spencer and Ellery, he endeavored to discover the author of this heinous charge. The following are the letters from Lieutenants Spencer and Ellery.

" *New York, Nov. 28, 1834.*

DEAR SIR,—I have had the honor to receive your letter of the 24th inst., with the accompanying papers, wherein you call my attention to a part of Lieut. Babbit's defence, before a late Court Martial, in reference to the death of his late brother, on board of the U. S. Ship *Cyane*, while under your command.

Lieut. B. says that he received his death blow, while executing an order given by you: of this I know nothing. If you did give him an order to visit a person at Monte Video, who had the small pox, it never was communicated to me.

Respectfully, &c.

W. A. SPENCER.

COM. J. D. ELLIOTT, U. S. Navy, Boston."

" *Newport, R. I. Nov. 24, 1834.*

DEAR SIR,—I have now the honor of acknowledging the receipt of your letter of the 21st inst., with its accompanying extracts, and regret to say that it will not be in my power to give the desired information on the points mentioned,—no conversation having passed between Dr. Babbit and myself, respecting his removal from the gun-deck to the cockpit, neither being within my recollection, that remarks were made by other officers, relative to the removal. Certain, however, am I, that the Doctor never suggested to me, or to any other officer, to my knowledge, that he would be more comfortable out of the cockpit; for I believe, firmly, that any suggestion of the kind would have been readily and willingly acceded to by yourself, as it would also have been approved by every officer of the ship—the Doctor being much esteemed and beloved by all on board. I remember, perfectly well, that the Midshipmen were ordered from the steerage, to sleep on the gun-deck, to prevent noise, and promote a free circulation of air.

By a conversation between Dr. Babbit and myself, during his confinement in the cockpit, the impression was made upon my mind, as recalled by memory at this distant period, that the Doctor had been solicited by the American Consul, who I understood to be a physician, to visit a friend from *Philadelphia*, sick with the small pox; which, at first he declined,—stating as his reasons for so doing, that he had been frequently salivated for fevers, and was apprehensive that the preventive from vaccination had been eradicated from his constitution; but, by repeated entreaty, was induced to go, although per-

suaed in his own mind, that the event would be such as in the end it proved to be.

Dr. Babbit, at that time, showed me his *mark of vaccination*, which was very slight,—asked to see mine,—and observed there was no danger of me. I do not think your name, dear sir, was mentioned at all.

Respectfully, &c.

FRANK ELLERY.

COM. J. D. ELLIOTT, U. S. Navy, Boston."

Having ascertained by a correspondence with several officers of the Navy Yard, that Mr. Loring, notwithstanding the remonstrances of Lieutenant Babbit, insisted upon retaining this obnoxious passage in the defense, he addressed to him the following letter, inclosing in it the correspondence abovementioned between himself and Messrs. Everett and White, and the letters from Lieutenants Spencer and Ellery.

"*Commandant's Office, Navy Yard, Boston,*
December 4th, 1834.

SIR,—Herewith I forward you copies of communications which have passed between Capt. Jos. Smith and myself.

From the statement of Capt. Smith, it appears that you insisted upon Lieut. Babbit's retaining in his defence, against his wishes, certain exceptionable matter; a portion of which charged me with having had an agency in the death of Surgeon W. D. Babbit.

It is true I was not openly charged with murder, or manslaughter; but it is equally true, that, from the particular wording of the sentence, the widow and children of the deceased, together with a numerous audience, were left to infer either one or the other; and I could not but turn my eyes in pity to those destitute children, when I found that poison of so base a kind was diffused among them.

With what propriety, or justification, so foul a charge was made against me, the accompanying documents will determine. The enclosed copy of a correspondence with the Hon. Edward Everett, and the Hon. Campbell P. White, will also show the instrumentality I had in procuring the pension which his widow now enjoys from the government.

The matter, as it now stands, originated with you; and, of course, I have a right to know from whom you derived your information. Respect for the memory of the deceased, whom I highly esteemed,—the feelings of the widow and the fatherless children, who were present, and justice to myself, require that you should apply a proper and an immediate antidote to the poison.

As a portion of the great concourse of people assembled to hear it, are now dispersed over the country, and one of them, a brother officer, Lieut. Fowler, has departed for the State of Mississippi, I must require that the antidote be made as public as possible.

That you may be enabled to have a just knowledge of the matter, I am necessarily obliged to address you at length. Should I be considered tedious, an apology must be found in a desire to have the whole

truth laid open to you. If I appear more sensitive than usual, it must be ascribed to sympathy, which had its origin when you uttered the poison, and I cast my eyes towards the children of the deceased.

[Here follows a description of Dr. Babbit's sickness, death and burial.]

As you are the only person I can call upon, under the circumstances of the case, I have therefore to require, as an act of justice both to you and myself, that you should furnish the Appellant Power, and the officers who composed the Court, with an acknowledgment and correction of your error. I have no disposition to infringe upon the rights of those whose talents and education particularly fit them to counsel and defend those of my profession, when arraigned at the bar of honor. Far be it from me. I wish justice to have her ends fully answered, and no more.

This will be handed to you, as you will perceive, unsealed, by Lieut. Commandant Armstrong, of the Columbus, who is vested with full powers to receive that from you which may prove satisfactory, and to close this whole matter.

I am, very respectfully,
your most ob't servant

J. D. ELLIOTT.

CHARLES G. LORING, Esq. Boston, Mass."

To this letter Mr. Loring made the following reply.

"Boston, Dec. 8, 1834.

COM. J. D. ELLIOTT,

United States Navy Yard, Charlestown.

SIR—Your communication of the 4th inst. and the accompanying documents, were handed to me by Lieut. Armstrong on that evening.

I have placed your letter in Lieut. Babbit's hands; and he has furnished me with a copy of his note to you of the 6th instant, correcting the error under which you addressed me.

Having since received no other communication from you, the tone of your letter does not permit me to make any further reply, than that I do not acknowledge any accountability to you upon the subject.

Very respectfully,
CHARLES G. LORING."

Commodore Elliott rejoined in the following terms:

"Commandant's Office, Navy Yard, Boston,
Dec. 10, 1834.

SIR,—I have received your communication of the 8th instant, and in answer remark that I cannot admit a right in you to interpose an irresponsible person between us.

I have a right, based upon the veracity of Masters Commandants Budd and Smith, to require explanation and correction, on a point where an attempt has been made by you, to inflict as deep an injury upon me as could well be done. This right you cannot consistently deny, as you will perceive upon referring to those communications, more especially to the latter, wherein it is stated that you admit the fact that Lieutenant Babbit wished to erase the exceptionable matter, and that you caused it to be retained in the defence.

You might have expected that I should have brought this subject to

your notice, at an earlier moment; but I determined to bear the odium until I could procure the means of enabling you, without embarrassment, to do me full justice; and if the respectable testimony of Captain Spencer and Lieutenant Ellery, 1st and 3d Lieutenants of the Cyane, at the decease of Dr. Babbit, is not sufficient, you have herewith that of Lieutenant Levy, 2d Lieutenant, and Mr. James Ferguson, Sailing Master, whose particular duty it was to watch over and record all occurrences that took place on board the ship.

You state that you have put in Lieutenant Babbit's hands, my letter of the 4th; that he has furnished you with a copy of his note to me, dated the 6th, and that you have received no other communication from me. You had no right to expect a note from me, until a reply could be had to my first note, which you had promised Lieutenant Armstrong.

I must here take occasion to remark, that Lieutenant Babbit, in answer to Lieutenant Armstrong, when he handed him back his note, gave him to understand that he was without the means by which to make the necessary correction and explanation which you had been furnished with, to enable you to meet the call.

I must and still do insist, in my right to hold an individual responsible, for his errors, until a correction is properly made.

It therefore rests with yourself to decide, whether you will now close this whole matter, or compel me to let it remain for subsequent action.

I am, Sir, respectfully,
your most ob't serv't,

J. D. ELLIOTT.

CHARLES G. LORING, Esq. Boston, Mass."

The letters of Messrs. Levy and Ferguson, mentioned in this letter, were the following:

"Monticello, Dec. 5, 1834.

DEAR SIR,—Indisposition prevented me from an early reply to your favor. I now avail myself of the pleasure; and, in answer to your inquiry, can only state what was the general understanding among the officers of the ward-room, relative to the death of Dr. Babbit,—that he fell in consequence of visiting, through the warm solicitation, and in company with Dr. Bond, a person who was down with the small pox. Dr. Babbit removed from the ward-room, some time before he or his mate *knew* that he had the disease; for both he and Mr. Moore thought it was an attack of his old complaint, the liver. Every attention that a ship at sea could afford, I am tully persuaded he had. The extract from Lieutenant Babbit's defence is the first intimation I ever had, that you gave his brother an order to visit the person in question: had such an order been given, I think I should have heard of it.

Respectfully, &c.

U. P. LEVY, U. S. N. of Monticello.

COMDT. J. D. ELLIOTT, Boston."

"Philadelphia, Dec. 6, 1834.

DEAR SIR,—I received your letter of the 2d, yesterday, and readily comply with the request therein made, 'to examine the accompanying extract from the defence of Lt. E. B. Babbit, before the Naval Court

Martial, which recently sat here (Boston) and let me (you) know if the decease of his brother on board the Cyane by small pox justified these remarks.'

With Dr. Babbit (the brother alluded to) whom I much esteemed, as well for his professional skill as amiable disposition, I was quite intimate, and frequently saw and conversed with him during the course of his illness, and up to within a short period of the 'delirium' which immediately preceded, and I believe continued, until his death. On one of these occasions, in the early part of his sickness, he informed me that while on shore at Monte Video, he had visited, in company with Dr. Bond, the American Consul, one of the most aggravated cases of small pox he had ever seen, and described in terms that made a great impression on me, the loathsome appearance of the subject, but without expressing, even in the most distant manner, as far as my memory serves me, any apprehension that he might have imbibed infection. I never learned from him or others, that this visit was not in every respect a voluntary act. And I am persuaded from what I knew of Dr. Babbit, that no consideration of personal danger would ever have influenced him, where an opportunity offered, either of bestowing on others the benefit of his own skill, or reaping for himself, any useful addition to his professional experience. The disease which terminated his valuable life, was very insidious in its first attack, and lingered a long time in his system before he ever suspected its true character. When I saw him for the first time after he complained of being ill, he told me, prefacing it with some remarks on his constitution, that he believed it proceeded from an obstruction in the 'bile duct:' this was the precise expression, for it became forever fixed in my memory by certain attendant circumstances which it is not necessary to mention here; and I do not think he was fully aware of the real nature of the disease under which he labored, until a short period before the 'variola eruption' made it painfully evident to every body else. I mention these particulars, because I think it was owing to this misconception of the nature of the disease in its earlier stages, that such fatal consequences ensued. I never understood otherwise, than that the change from his own room to the cockpit was his own choice: he certainly never complained to me that it was not so, or that he was laboring under any restriction from you, of a nature to obstruct his recovery: if he had, from the deep interest I felt in him, I should have immediately informed you. After the true nature of his disease was ascertained, great alarm prevailed in the ship, and the most judicious and effective measures were adopted by you to prevent the propagation of infection as was proved by the event—but a solemn regard for truth obliges me to declare, that in no way that I ever understood did these measures affect the comfort or influence the fate of poor Dr. Babbit.

If, therefore, by the remarks in the extract from Lt. Babbit's Defence, commencing at 'I might point to the grave of the other in a foreign land, who received his death blow, while executing an order given by the prosecutor under circumstances which it is believed he will never forget,' it is meant to charge you with any agency, either in exposing him to take the disease of which he died, or in bringing about, or hastening that event—such charge is not justified by the facts within my recollection.

Respectfully, &c.

JAMES FERGUSON.

COMDT. ELLIOTT."

Mr. Loring, in reply to the last letter of Commodore Elliott, addressed the following to Lieutenant Armstrong.

"Thursday Evening, Dec. 11, 1834.

LT. COMDT. J. ARMSTRONG,
U. S. Ship Columbus.

SIR,—Comdt. Elliott's communication of the 10th instant was handed to me by you, while I was, as you perceived, so engaged with other persons, that I had no opportunity to read it : since then, I have been constantly occupied. If I had been able to read that communication while you were present, I should have stated verbally, what I have now the honor to state to you, that I decline making any reply, for the reason already given in my note to Comdt. Elliott.

Respectfully, &c.

CHARLES G. LORING."

Received Dec. 12, 1834.

J. A.

The letter from Lieut. Babbit to Com. Elliott, referred to in Mr. Loring's letter of Dec. 8th, 1835, was the following :

"Navy Yard, Boston, Dec. 6, 1834.

Sir,—Mr. Loring, my Counsel in the trial before the late Court Martial, has exhibited to me a letter, addressed by you to him, under date of 4th inst., in which it is stated that he insisted upon my retaining, against my wishes, the passage in my defence, which you complain of as erroneous and objectionable, and for which you require of him correction and acknowledgment. Had you applied to me upon the subject, you would have avoided the mistake into which you have fallen, and received that explanation which would have prevented your looking elsewhere for the responsibility of that paragraph.

In justice, therefore, to Mr. Loring, I wish to make known the circumstances relating to it, which are as follows :—In his conversations with me upon the preparation for my trial, he inquired into the history and connexions of myself and family with the Navy ; and I related to him the particulars set forth in that paragraph, which he inserted, without any further conference with me than our general conversations upon the subject of the defence. Upon its being read in the presence of Capt. Smith and other friends, I objected to this and the preceding paragraph, relating to myself and family, alleging that I felt a delicacy in alluding to my personal services, and obtruding my domestic concerns upon the public. But it was the opinion of those present, that I was entitled to the benefit of these facts, as entitling me to the consideration of the Court and the revising officer, should any of the charges be sustained ; and, being satisfied with the propriety of their introduction, for these reasons, I assented to their retention.

I, therefore, am alone responsible for any statement or remark made in my defence, and am the only person to whom you can with propriety look ; Mr. Loring having no other agency in any thing relating to it, than the discharge of his professional duty, in advising as to the use to be made of the facts furnished by me, or proved in the defence.

In my conversation with Capt. Budd, I did not mean to be understood as implying that Capt. Smith or my friends *insisted* upon my retaining the passage *against my wishes* ; my remark simply was, that I was disposed to strike out or erase all portions of the defence relating to my-

self or family ; but that my friends thought it advisable to retain them ; and no particular reference was had to the passage relative to the death of Surgeon W. D. Babbit. I did not intend, or suppose, that I could be understood to say, that I finally objected, or retained any passage against my will, and upon their responsibility.

In the preparation of my defence, I was under the entire and honest conviction of the truth of the statement made ; and should not have inserted it, had I entertained a doubt upon the subject ; and I have no wish now to shrink from the responsibility of it. At the same time, I am as solicitous to do justice to you, as I was to obtain it for myself ; and if I have made an erroneous statement, it will give me the greatest satisfaction to correct it as publicly as it was made ; and to express my deep regret, that I should have unintentionally done you this injustice ; and if you will furnish me with the documents relative to this matter, they shall be made as public as is, or may be, the defence.

I have the honor to be, very respectfully, your obedient servant.

EDWARD B. BABBIT.

Com. JESSE D. ELLIOTT.

Com'd't of the Navy Yard.

This letter was immediately returned by Commodore Elliott to Lieutenant Babbit, without being copied, with the remark that *it could not be received* ; the reason of which refusal is given in the first paragraph of Commodore Elliott's letter to Mr. Loring, dated December 10, 1834.

After this correspondence had ensued, Commodore Elliott received letters from other officers of the Cyane concerning Dr. Babbit's sickness and death, and which are the following.

"Belvidere, Dec. 11, 1834.

SIR,—Your letters, with the accompanying extracts, did not reach me until this morning. As it is now upwards of eight years since the death of Dr. Babbit, and I have no notes of the cruise, I can merely say, that the following is a correct statement of the case to the best of my recollection, viz. : that in the latter part of the month of April, or early part of the month of May, 1826, Dr. Babbit and myself passed a few days in Monte Video ; that he did during that time visit as a consulting physician, a patient of Dr. Bond's, the then U. S. Consul of Monte Video, whom he, Dr. Babbit, supposed to have the premonitory symptoms of small pox ; that the day after this visit, Dr. Babbit returned on board the Cyane, and a few days after his return on board, complained of being unwell ; that he received every possible attention, and left his state-room to go into the cockpit at his own suggestion, thinking it preferable, owing to there being a freer circulation of air there, than in the ward room.

Respectfully,

EDWARD C. RUTLEDGE."

"*Philadelphia. Dec. 31, 1834.*

SIR,—Yours of the 1st inst. was received about two weeks since, and should have been answered before if circumstances would have permitted.

In reply to yours, I shall briefly state what the late Dr. Babbit told me when he came off from Monte Video, where, as I understood from him, he had been on liberty. He stated that he had, at the very earnest solicitation of Dr. Bond, visited a gentleman who was laboring under small pox, and expressed great apprehension that he had brought the disease on board with him, in his clothes; and said if it was the case, he never would forgive himself for it, and that he was very sorry that he had allowed himself to be persuaded to visit the patient; and that Dr. Bond was so very solicitous that he should see the gentleman, that he could not refuse him without giving offence, which he did not wish to do.

You ask me if the late Dr. Babbit had not every assistance extended to him while he was sick. In answer to this question I answer *yes*, he had every assistance, care and attention which his case required, that a ship could afford—and sir, if my memory serves, (and I think it does,) you offered a part of your cabin, which was rejected by me, for good and sufficient reasons, which I stated at the time.

The midshipmen were removed from the steerage to the gun-deck; and if I recollect aright, I think it was in consequence of a representation made by me to you, that it would probably prevent the spreading of the disease, and promote their comfort, as well as to make it more pleasant for Dr. Babbit.

These, so far as my memory serves me, are the facts, and you can make what use of them you please.

Respectfully,

C. MOORE,

Late Assistant Surgeon, U. S. N.

CAPT. JESSE D. ELLIOTT, U. S. Navy, Boston."

The letter, of which the above is an extract, was not received until after the correspondence with Capt. Joseph Smith.

"*Navy Yard, Charlestown.*

Jan. 27, 1835.

Sir,—In reply to your note of last evening, I have to state that I was at Monte Video in the month of Dec. 1826, and made particular inquiry of Doctor Bond, late Consul at that place, respecting the case of Doctor Babbit, and was informed by him, that at his request, Doctor Babbit accompanied him to visit a patient at the hospital; and that on finding several persons laboring under small pox in the hospital, Doctor Babbit expressed much apprehension with regard to his own safety, not being satisfied that he was effectually protected against the small pox by the vaccination which he had undergone many years before. His fears proved to be well founded, for he there took the small pox, which in a few days terminated fatally.

I am, very respectfully,

Sir, your ob't servant,

BENAJAH TICKNOR,

Surgeon U. S. Navy.

Com. J. D. ELLIOTT, Commanding Boston Station."

Pending this correspondence between Commodore Elliott and Mr. Loring, Lieutenant Babbit had gone to Washington, he being in order for promotion to the post of Master Commandant. The Secretary of the Navy, Hon. Mahlon Dickerson, a gentleman not less distinguished for his efficiency and correctness in transacting public business, than for the purity of his principles and his nice sense of honor, thought that the passage in Lieut. Babbit's defence which had reflected so unjustly upon Commodore Elliott, could not be overlooked by the Department. He required of Mr. Babbit an explanation, as a step necessary to his promotion, and called for by every consideration of interest for the Navy. Mr. Babbit accordingly addressed the following letter to the Secretary of the Navy, and transmitted a copy of it to Commodore Elliott.

" *Washington, Dec. 10, 1835.*

Sir,—Agreeably to your request, I beg leave to make the following explanation to the Department of a passage in my defence, before the late Court-Martial in my case, which Com'd. Elliott has taken exceptions to.

I was desirous that this, and the preceding paragraphs relative to my family, should be rejected upon the ground that I felt a delicacy in bringing my domestic concerns before the public.

The passage in question was inserted, not to impute any improper motives to Com. Elliott in the transaction; but, from the circumstances of Surgeon Babbit's death, while under his command, and the situation in which his family were left,—I considered as a reason, not only entitling me in some degree to the considerations of the Court, but that it should also have had great weight with the prosecutor, before bringing charges of so heinous a nature against me, upon slight grounds.

The paragraph alluded to, was inserted under an impression of my own, that such was the fact, and I now cheerfully state that my present conviction is, that there was nothing improper in the conduct of Com'd. Elliott, in the unfortunate circumstances that led to my late brother's death.

I have the honor to be, with great respect, your Obedient Servant,

EDWARD B. BABBIT.

HON. MAHLON DICKERSON, Present.

Secretary of the Navy."

To this, Commodore Elliott made the following reply.

" *Commandant's Office, Navy Yard, Boston,
Jan. 21, 1835.*

Sir,—Your communication dated Washington, Dec. 10, 1835, meaning no doubt January 10, 1835, enclosing a copy of a communication

made by you to the Navy Department, bearing the same date, and containing no doubt the same error; has been duly received and considered.

In your letter to the Department, I perceive several paragraphs which I cannot admit as based upon correct principles, or the wholesome discipline of the service about which we seem to entertain opinions of an entire different nature.

You say 'the passage' (of your defence) 'in question was inserted not to impute any improper motives to Commodore Elliott in the transaction; but from the circumstance of Surgeon Babbit's death, while under his command, and the situation in which his family were left, I considered as a reason not only entitling me in some degree to the considerations of the Court, but that it should also have had great weight with the prosecutor, before bringing charges of so heinous a nature against me upon slight grounds.'

The paragraph alluded to, was inserted under an impression of my own, that such was the fact, &c.

If the paragraph—'I might appeal to the facts, that I alone of the three sons of a widowed mother, who entered the Naval service of the United States, survive to maintain her. That one of them holding the rank in which I now stand, fell honorably at his post in battle, during the last war, and I might point to the grave of the other in a foreign land, who received his death blow, while executing an order given by the Prosecutor under circumstances, which it is believed he will never forget; leaving a widow and children, who look to me as their protector and guide,'—was inserted not to impute improper motives to me, why was it inserted at all, and why did the learned counsel emphasize its latter part in so particular a manner, thereby drawing every eye of the numerous invited and exulting audience, in so pointed a manner towards me, with the family of the deceased in the weeds of mourning before my eyes? It would have had nothing to do with the matter in question had it been true; but as it was the reverse, it was doubly out of place in your defence.

Had you meant to have had it operate with me in your favor, why did you not bring it to my notice at the time, when the charges were made and preferred? Then, if the matter had been true, it might have had such weight as it deserved; but to urge that matter (through your Counsel, when my hands were tied, and all means of explanation and redress withheld) in your defence after trial, when it was not true, was altogether unnecessary and improper.

You say also that the charges were made against you upon slight grounds. This position I deny positively; they were made upon strong grounds, and when you advert to the circumstances of the case, you must be fully aware of the truth of what I now state.

You say that you was under the impression, at the time of insertion, that the paragraph in your defence, charging me with almost wilful murder, was true.

When you recollect, Sir, that you was the first officer who came on board of my ship, the Cyane, at Rio, in 1826, from the Sloop of War Boston, bearing despatches to me from the Government, which your Commander had brought out, that mine was the unpleasant duty of communicating to you the melancholy intelligence of the decease of your brother, and of detailing all the circumstances which related to it; when you recollect also, that for 5 months, you daily sat at the same table with your deceased brother's mess-mates, that any charge of so foul a nature would have been a subject of general conversation, had it had a shadow of a foundation; I must take leave entirely to dissent from you in the belief, and cannot but think that the whole paragraph

was manufactured for the occasion, either by yourself, or your consulting friends.

But as the Hon. Secretary of the Navy, unauthorized by me, has, actuated by the kindest and noblest feelings, drawn the communication from you, in which you declare that you disbelieve the exceptionable paragraph, and that you did not mean to impute to me any improper motives, and as

'To err is Human, to forgive Divine'

I do, notwithstanding your previous uncalled for imputation, remove so far as I am concerned, any barrier that does, or may exist between you and your promotion; that you may still continue to be a protector and guide to the widow and children of your late brother; and I will further state, that had your deportment in this yard before your trial been such as it was after it, I should have been spared the necessity of preferring charges against you, and you the trouble of answering them.

You are at liberty to file a copy of this communication in the Navy Department, and reap any advantage that may arise from its candid tenor.

I am Sir, respectfully,
Your ob't servant,

J. D. ELLIOTT.

Lt. E. B. BABBIT,
U. S. Navy, Washington D. C."

Upon the trial of Lieutenant Babbit, Commodore Elliott was notified to produce copies of several letters which he had addressed to the Navy Department. Among them was the following, which, together with a General Order, will serve to show how uniformly attentive is Captain Elliott to the morals and deportment of the men under his command.

N. Y. Boston,

"November 18th, 1833.

Sir—Upon my arrival at this Yard, I found that the ordinary of the Yard were divided into two classes, the first to have liberty every other Sabbath after muster, and the second to have liberty on the intermediate Sabbaths.

From this arrangement, drunkenness and desertions frequently arose, the Sabbath was spent in a manner that was illy calculated to make the men better seamen, better citizens, or better husbands, and the whole arrangement called loudly for a revision and correction. To remedy this evil, which was very great, I applied to the Department the Rev. James Everett to fill the vacancy then existing in the Chaplainship of the Yard; my request was granted, and he commenced his labors.

There still existed another inconvenience, and that was the want of a suitable place for public worship, that would not interfere with any of the public duty of the Yard. My predecessors had been in the habit of having muster and prayers attended in the sail-loft, which occasioned a loss to the public of the time that was taken to prepare the

loft on Saturday afternoon for a chapel for the next day, and also of preparing the chapel on Monday morning for a sail-loft during the remainder of the week. This, in ordinary cases, occasioned a loss of time and a loss of labor, and when a vessel was fitting for sea, the evil would have been still greater. As the half made sails were to have been rolled up and put away, the loft swept and benches brought in and arranged every Saturday afternoon, and afterwards on Monday morning the sails were to be brought back again and opened, the loft freed from benches and all other necessary arrangements made for recommencing work; and the loft itself when fitted in the best possible manner, was unfit to receive the female part of the congregation; I therefore took the upper story of the cordage store which was not wanted particularly for any other purpose, and had it fitted up with a pulpit and slips; and on the front slips, had the names of the Officers of the Yard and Receiving Ship, according to their rank, painted.

I then issued an order for the ordinary of the Yard, the crew of the Receiving Ship, and requested the marines in garrison not on special duty, to attend church, each Sabbath, at the ringing of the Yard bell. This had the desired effect for the time; the chaplain did his duty faithfully, and I began to see the beneficial effects of his labor in the actions and in manners of the seamen generally.

Soon, however, the novelty wore away, the officers became lukewarm, and the higher Officers of the Yard especially neglected to attend service; until at length the worthy chaplain found himself preaching to bare walls as it regards officers.

I then inserted in my general regulations for the government of the Yard, the following clause: officers presumed to be at church, will not be permitted to leave the Yard until services are over.

This I believed to be necessary, because *first* the government had allowed a chaplain to this station, whose duty it was made by me to perform services in the Yard. Secondly, because I had required the seamen to attend, and it was no more than fair to conclude that the officers should be the first to set the inferiors an example, fraught with so much benefit to them here and hereafter.

Thirdly, because I considered the officers of this Yard in the same light as officers at sea, and were therefore bound to attend divine service when performed by the person appointed by the government for that special purpose; and fourthly, because I had previously instructed the chaplain not to touch upon doctrinal points at all, but to preach up good morals, &c. &c.

This suggestion of mine has, however, produced no fruit; last Sabbath the two officers next to me in command, and some others, were absent, and when the two first, being highest in authority, were called upon for their reasons for non-attendance, they returned the letters marked A & B.

I therefore deem it my duty to issue a general order requesting their attendance, which I submit to you for your approbation, before issuing it to the officers.

I think their absence was occasioned by a combination, and a wish to bring the matter to the Department for a decision: thereby setting an example to their subordinates to nullify my regulations. As I am opposed to nullification in every shape, manner and character, I trust that this case may be disposed of at once; for although the younger officers on this station have conducted themselves well, still I do not know how soon they may follow the example of the older ones in this respect; at any rate, if you decide in favor of it, it shall be carried into effect.

Without any previous consultation between the chaplain and myself

on the subject, the sermon which he preached last Sabbath was so appropriate, that I could not forbear asking him for it, and I herewith enclose it to you for your perusal, which I wish you afterwards to return to me again.

I do not waive or shrink from any responsibility ; I do not wish the attendance of the officers for the purpose of changing their religious tenets, but to set good examples to the men ; and unless they do give their attendance, the chapel must be disused, and the seamen left to kill time in a manner most agreeable to themselves.

Believing, as I do, without harmony among the higher officers of the Yard, public duty cannot be carried on with spirit and satisfaction, and if my two highest officers are dissatisfied with the correction of certain abuses which have been so long allowed as to be thought matters of right and equity, I would suggest that they be replaced by others.

If there should be any changes, Lt. James Armstrong, Lt. J. Montgomery, or Lt. W. Boerum, officers who have lately returned from sea, and who have served with me in the West Indies, would be entirely acceptable. I must be supplied with prompt and willing officers, and above all, I must be supported by the Navy Department, as I have been heretofore, or my efforts to reform this Naval establishment will be unavailing.

I have the honor to be, &c

J. D. ELLIOTT.

HON. LEVI WOODBURY,
Sec'y of Navy.

Carefully collated with the original on file in the Navy Department, and found to be correctly copied.

J. BOYLE, *Chief Clerk.*

18th October, 1834.

GENERAL ORDER.

Having seen with regret that the suggestion contained in my general regulations for the government of this Navy Yard, respecting divine service, has not been met with promptness and spirit,

I hereby order all persons borne on the books of this station for duty at this place, with the exception of the officers on the watch duty and the sick, to give their attention at the Chapel each Sabbath, while the Chaplain is performing divine service.

It is to be understood that this order is not issued to produce a change in the religious tenets of any one, but for the purpose of causing the officers to present a proper example to the men in this respect.

Given at the Navy Yard, Boston, November 18th, 1833.

J. D. ELLIOTT, *Commandant.*

Correctly copied.

JOHN BOYLE, *Chief Clerk*

October 18, 1834.

Soon after the termination of this correspondence, Commodore Elliott was appointed to the command of the Constitution Frigate, with orders to proceed to France, and return to the United States with Mr. Livingston, the American minister to the French Government, should the relations between the two countries require it; and if they should not, to pro-

ceed to the Mediterranean, upon a cruise of three years. He sailed from Boston on the 2d day of March, 1835, and arrived at New-York a few days afterwards. Here the injury to the bow of the Constitution which has already been noticed, was repaired, the Secretary of the Navy having made arrangements for that purpose, in pursuance of his determination to send the Frigate away from Boston precisely in the condition in which the Vandalism of the Boston "Whigs" had left her. When the Frigate left Boston, the Figure Head was covered with canvas, on which was painted a FIVE STRIPED FLAG!! This was by no means inappropriate, when it is considered that the very political party which perpetrated this outrage upon a national ship, was the same that raised a five striped flag in Massachusetts, just before the last war, as an emblem of the separation of New England from the Union. Scarcely had Commodore Elliott left the harbor of Boston, when, as if the spirit of unmanly outrage were never to be satisfied, a new attack was made upon his fame, and if possible characterized by deeper baseness than any of the preceding. As has already been shown, Commodore Elliott communicated to the Navy Department an exact account of all that transpired in the Navy Yard, relating to the Figure Head, it being the duty of all commandants to apprise the Department of whatever important occurrences transpire within their respective commands. As the time of the commandant of such a dock yard as that of Charlestown is necessarily much occupied, most of his correspondence must be written by a clerk, and one or more clerks are employed at all the naval stations. Commodore Elliott writes with great rapidity, in a hand very difficult to be read by those unaccustomed to it, and in writing his letters to public officers, uses many abbreviations, leaving the clerk to copy the letter in a fair

hand, and to write out every word fully and distinctly. His style, as will appear from the preceding correspondence, is plain, direct and manly, and highly indicative of his character. He belongs to the same class of writers with Washington, making no pretensions to literary graces, but aiming merely to be understood, and to express his ideas with brevity and precision. Some months previous to his sailing in the *Constitution*, an individual of Charlestown, who had been employed in the Commandant's office, had been convicted of fraudulent practices, and was dismissed from the public service. Immediately after the Commodore had sailed for Europe, this individual entered the Commandant's office, and by the aid of a relative employed there, and who seems to have been without suspicion of his object, got possession of the file of original letters, and made from it an exact and literal copy of the sketch or original minutes of the letter which the Commodore had written to the Navy Department, containing an account of the outrage upon the *Constitution*. This sketch, containing many abbreviations, and written in a very indistinct hand, was immediately published in the principal "Whig" paper in Boston, and the acknowledged organ of the "Whig" party. The publication was manifestly with a design to misrepresent and defame, and to hold up Commodore Elliott to public contempt and ridicule; for the letter was published in the same abbreviated manner in which it was written, and in all cases where the publisher was doubtful about the words or letters used, he substituted, as if in very wantonness of malice, those which most directly tended to render the composition absurd. The publication was accompanied with editorial remarks, holding up Commodore Elliott to public contempt and ridicule, denouncing him as ignorant of the most common literary acquirements,

and invoking shame upon the country for having in the important station of a Captain of the Navy, an individual so shamefully illiterate.

It is difficult for an honorable mind to restrain its indignation upon hearing of this transaction, so fraught with disingenuousness, with cool, deliberate, studied malice. It might have been supposed that every respectable "Whig" in Boston would pronounce it shameful, and that every other "Whig" editor in Boston would have reprovved the organ of their party for this unmanly assault, and have cleared itself from the imputation of tacitly approving a resort to such poisoned weapons. But no such rebuke was given! On the following day, Captain Budd, the temporary commandant of the Navy Yard, caused to be published in one of the Democratic papers of Boston, a statement of the clandestine and furtive manner in which this rough draft or abbreviated sketch of a letter had been copied from the files of the office, supported by certificates from officers of the yard.

On the 23d of March, 1835, the Constitution sailed from New York for France, and arrived at Havre on the 16th of April; thus proving, by a passage of 24 days, that in the thorough repairing which she had undergone, her capacity for sailing had not been diminished. Commodore Elliott immediately proceeded to Paris with his despatches; but what transpired there, belonging to the diplomatic, and not the naval history of the country, and having already been laid before the public, will not be mentioned in these pages. The public are already apprized that the Chamber of Deputies, the popular branch of the French Legislature, in passing the American Indemnification Bill, inserted a clause which required from the American Government, before the sum stipulated in the bill could be paid, an explanation of the language used by the President upon the subject of our

relations with France, in his Message to Congress on the 1st of December, 1834. Upon this point, Mr. Livingston addressed a note to the French Minister of Foreign Affairs, which, as an assertion of the rights of nations, has been rarely equalled, and probably never exceeded, in the history of diplomacy. As an exposition of the principles upon which the American nation claims to be independent of foreign interference in the internal operations of its government, this document is remarkably luminous, forcible and dignified ; and justice to the distinguished statesman and no less distinguished jurist who wrote it, requires that it should be offered to the reader.*

The state of our relations with France requiring the return of Mr. Livingston, Commodore Elliott left France early in May, and sailed for Plymouth, England, preparatory to sailing for the United States. On arriving off Plymouth, he dispatched a messenger to Admiral Hargood, in command of a British ship of the line, proposing a salute, on condition of its being returned with an equal number of guns. This was promptly acceded to by the British Admiral, and salutes were exchanged. Upon entering the harbor, he proposed a salute upon the same terms to Admiral Sir Willoughby Cotton, commandant of the Dock Yards at Plymouth. This was likewise acceded to, and a salute of 21 guns was fired by the Constitution, and returned by an equal number. This incident, though trifling in itself, has probably terminated forever, an embarrassing difficulty to our naval officers. This subject of salutes has often caused unpleasant feelings, the British officers refusing to return an equal number of guns, excepting to officers of their own rank. This could rarely be done upon the meeting of large ships, our navy having no higher rank than that of Captain. It is need-

* Appendix I.

less to say that no salute would have been fired by Captain Elliott, excepting on equal terms. Though this subject, at first view, may seem of little national importance, yet, being a custom among civilized nations, it ought, perhaps, to be followed by the United States, wherever it can be done upon terms perfectly consistent with their dignity. All courtesies and civilities among military men are useful in softening the asperities of their profession. They diminish that personal rancor, that individual ferocity, which characterized ancient warfare, and which is still a revolting feature in the wars of uncivilized nations. They lead to acquaintances and friendships in time of peace, which do not interfere with national fidelity in time of war. In the institution of chivalry is to be found the origin of that sentiment which has mitigated, in some degree, the scourge of nations, that *private friendship is perfectly consistent with public enmity*; and though this institution no longer exists, yet it is to be hoped that its humane and generous spirit, the true spirit of Christianity, yet finds favor among civilized nations. As salutes and other exchanges of courtesy among military men lead to friendly intercourse, it is the policy, and even the duty of civilized nations, to encourage them.

Commodore Elliott sailed from Plymouth on the 16th of May, 1835, and arrived at New York on the 22d of June following. Soon after his arrival, Mr. Livingston, as a delicate token of gratitude for the kind attentions which he and his family had received from Commodore Elliott on their voyage home, presented him with a beautiful gold box, within which was engraved the following letter.

New York, June 22, 1835.

DEAR SIR,—Men whose minds are properly disposed, seldom remember the good offices which they take so much pleasure in performing. To counteract, as far as possible, this propensity, in which you might be apt to indulge, I pray you to accept a trifling memento, which may

recall to your recollection the kind attentions which I and my family received from you on board of the *Constitution*, under your command. With it, Sir, I pray you to receive the assurance of my highest esteem, and of the sense I shall always entertain of your unceasing endeavors to render our passage agreeable.

Your friend, and obedient servant,
EDWARD LIVINGSTON.

COM. JESSE D. ELLIOTT, U. S. Frigate *Constitution*.

To this letter, Commodore Elliott replied in the following terms.

U. S. Frigate Constitution,
June 27, 1835.

DEAR SIR,—Permit me to acknowledge your very flattering note, accompanying the beautiful gold box, my acceptance of which you have done me the honor to request, Unmerited and unexpected as it is, it will be cherished in my family as an heir loom, to be preserved to the latest posterity; and as happily connecting a memorable event in our national history, with the recollection of a statesman, whose fame rests not on opinion, but in the records of the jurisprudence, the legislation and the diplomacy of our country; and above all, in his *demonstration of attachment to the Constitution*. Deeply sensible of the responsible and peculiar service to which I had been called by the venerated Chief Magistrate of the nation, and having been a witness to the delicacy of your situation at the Court of France, in the present crisis, my feelings were keenly sensitive to the execution of the trust. I shall esteem myself more than fortunate, if, in the discharge of my duty, I have rendered myself worthy of the compliment which you have thus bestowed upon me. Be pleased to present my affectionate regard to your amiable lady and daughter, whose fortitude looked above the privations incident to a protracted and boisterous passage across the Atlantic, and whose presence did not interfere with the personal convenience of the commander, nor with the exact discipline of a ship of war.

J. D. ELLIOTT.

HON. EDWARD LIVINGSTON.

Soon after his arrival at New York, Commodore Elliott was informed of the unmanly proceeding of the leading "Whig" paper in Boston, in publishing a caricature of his letter to the Secretary of the Navy. He immediately wrote to Mr. Dow, schoolmaster of the *Constitution*, and Mr. Charles H. Locke, an editor of a newspaper in Lowell, Mass., and of highly respectable literary attainments, requesting to state their recollections about the affair of the Figure Head. The answer of Mr. Locke is highly important, as it proves what has already been mentioned, a project to

prevent by force, the departure of the Constitution from Boston with the Figure Head upon her bows. It shows that this project was not confined to the worthless, the idle and disorderly materials which, in great cities, are always ready for mischief; but was conceived and arranged among men who had character to lose, heads of families, public officers, the *elite* of Boston. The letter of Mr. Dow proves what has already been said of the attempts, by some highly respectable merchants, to purchase of the artist who carved the figure head, permission to *steal* it. Here is a subject that is earnestly commended to the sober reflection of the Democratic party throughout the Union. Boston Federalism, instigated by political animosity against the President of the United States, offers large bribes for subornation of theft; and when disappointed in this, conceives the mad, the riotous, if not the treasonable project of *firing upon a national ship!!* Well may every Democrat exclaim that this is an ebullition of the same spirit which raised the *five striped flag*, which gave intelligence and supplies to hostile British cruisers, which burnt blue lights at New London, which strove to prevent soldiers from enlisting, which openly wished that they might perish in battle, which proposed a seizure of the public revenue, which conspired to involve the nation in bankruptcy, which declared that it was immoral and irreligious to rejoice in our victories, and which, when the nation was invaded, devised the Hartford Convention.

U. S. Frigate Constitution, off New-York.

June 22, 1835.

Sir,—I duly received your communication of yesterday's date, requesting me to make you a written statement of such facts as may be within my recollection, relating to a visit made you in January last, by Laban S. Beecher, of Boston, the Artist who carved the ornaments for the head and stern of the U. S. Frigate Constitution:

Also to state what facts I may be possessed of, relating to the truth.

of a communication made in the Boston Atlas of the 14th March last, in which a letter, said to have been written by yourself to the Hon. Secretary of the Navy, under date of January 22d, 1835, is published; and which is certified as a true copy from the records of the Navy Yard, Boston, by Samuel Etheridge, late clerk of that establishment; and further to state such other facts as came within my knowledge as your confidential clerk, touching the whole matter.

You will readily perceive, Sir, that to answer your letter fully, I am forced to take a wide range, and shall therefore commence as far back as February, 1834. Having seen, by the Journals of the City and the feelings of a few, that the ornament selected for the bow of the Constitution was not so acceptable as you expected it would have been, from the distinguished honors paid to the President, during his eastern tour in 1833, by the people of Boston opposed to him in politics, you requested me, on the 22d of February, 1834, to call upon Mr. Beecher, and direct him to suspend all further work upon the head, until you had heard from the Department, saying at the same time, that there had been quite too much excitement and noise about it.

I called upon Mr. Beecher, and delivered your message. A short time afterwards, while I was with you, the porter of the Yard brought a note bearing the Boston Post Mark, which he had found in the Navy Yard box at the Post Office; it stated that the writer had made you abandon the head of Gen. Jackson for a bow ornament for the Constitution, and threatened that if you did not take the name of Jackson from the Dry Dock, you should not live 48 hours, signed "Many North Enders," and dated "North End, 24th." Upon the receipt of this note, you directed me to go to Mr. Beecher, and direct him to proceed upon the head. I did so, and the work was re-commenced accordingly. On the 24th of that month, while I was opening the morning letters in your office, and receiving the necessary information preparatory to answering them, Mr. Laban S. Beecher, of Boston, was announced; you directed the messenger to admit him, and he immediately entered, holding in his hand what I afterwards perceived to be an inflammatory hand-bill, headed "*Bostonians Awake!*" which he handed to you. He then stated that the people of Boston were very much excited at the idea of the Head of the President's being placed at the bows of the Constitution, and asked you if you would attach any blame to him, or take any legal steps, if the head should be stolen from his shop during the night. He said he was satisfied that an attempt would be made to steal it, if it was not removed; as two State street merchants and one East India merchant, of the highest respectability, had offered him from 3 to 500 dollars each for it; (he also stated to me afterwards that he had seen a list of 18 or 20 names of merchants, who would contribute the sum of 20,000 dollars, before the Constitution should be disgraced with the figure of the President of the United States.) You replied that the head was under his charge, that you should hold him responsible for its safety, and that if threats had been made against it, he was in duty bound to complain to the Mayor of Boston, and ask his protection; that if he did not do it, you should feel bound to do it yourself. Mr. Beecher then took his departure, promising, as I understood, that he would complain to the Mayor.

Upon receiving a communication from the commissioners, granting you permission to place the head of General Jackson upon the Constitution or a 74, as you deemed best, but to leave off the heads of the three naval commanders from the stern, provided the work had not been commenced, you directed me to call upon Mr. Beecher, and ask him how far the stern ornaments were advanced, and also what he had

done in relation to the threats and bribes alluded to in the morning. I did so, and found Mr. Beecher in his garret, which could only be approached by a private signal. He was at work upon the head and stern ornaments. He had roughed out the former as far as the shoulders, and stated that he had not been to see the Mayor, that he did not consider the head safe in his shop, &c. &c. I then returned and made my report to you, when you directed me to go immediately to him, and direct him to box up the head, ready to be removed next morning, at high water, which would be at 9 o'clock. I did so; the head was boxed up, and next morning, Sailing Master Hixon, with a boat's crew composed of seamen and ordinary seamen of the Yard, proceeded in the launch to the foot of Market street, received the head, and carried it to the Yard in safety. It was then placed in the Engine house, and finished by Mr. Beecher at his leisure.

On the 3d of July, 1834, the head was discovered to have been mutilated by some person or persons unknown. After the fact had been reported to you, you directed me to call upon Mr. Beecher, and request him to come to your office immediately; he did so, and you demanded the names of those persons who had offered him bribes; he hesitated a moment, and then replied, that he could not give them up without betraying confidence. He then asked you how he ought to act; you replied that he must act for himself; he then said he would give them up when legally called upon, and took his leave. I saw nothing further of Mr. Beecher, if I recollect aright, until the afternoon of the 22d of January, 1835, when, upon returning from Boston, I met him at the end of the Warren Bridge, on his return from Charlestown; he stopped and immediately commenced a conversation about the head. He said that he had been to see you about it, that he was sorry that it could not be changed. I replied that it would not be changed, that the Ship would leave Boston with it mutilated, and proceed to New-York, where it would be repaired. He said he was sorry, for he was satisfied that the Ship would be stopped at the Narrows, if she attempted to pass with one vestige of the head upon her bows.

I then left him, and upon reaching the Yard, was directed by you, (before I had mentioned the fact that I had seen Mr. Beecher,) to write an "*official and confidential*" letter to the Honorable Secretary of the Navy, stating certain facts, such as the visit of Mr. Beecher, the gratuitous offer of Captain Benjamin Rich and others, to repair the head by substituting that of any other individual excepting the President's, your refusal of the same, their threats, your contempt of the same, the state of the Ship, the time when she would be probably ready for sea, and your determination to see her outside of the Narrows, should you deem it necessary. This letter was written, and written also in business style, but was never intended to be published in a newspaper.

Shortly afterwards I met Mr. Charles H. Locke, who informed me that he visited Mr. Beecher in company with Capt. Benjamin Rich, and I am pretty positive that he mentioned the fact of Capt. Rich's offering to replace the head by that of any other individual at his own expense. Mr. Locke is now in Lowell or Boston, and will undoubtedly furnish you with such facts as he may be possessed of, should you see fit to call upon him.

Who Laban G. Beecher is, I know not; but if Laban S. Beecher, of Boston, Carver, authorized the insertion of the following paragraph in the Boston Atlas of the 18th of March last, he authorized the insertion of what I believe to be untrue.

"Laban G. Beecher, the artist who executed the figure head for the Constitution, has requested us to state that he never had any conversation with Commodore Elliott in regard to Captain Benjamin Rich, or of the nature of that attributed to him in the letter published in the Atlas of Saturday."

I am, Sir, very resp'y,
Your mo. ob't Servant.

Com. JESSE D. ELLIOTT Com'g U. S. Frigate Constitution,
Present.

"Lowell, Mass. July 14, 1835.

COM. J. D. ELLIOTT,

Sir,—In consequence of temporary absence, yours of the 23d ult. did not come to hand till this morning, and I hasten to answer it without delay.

The conversation alluded to in your letter to the Secretary of the Navy, and reported by me to you, was between Captain John Rich, a nephew of Captain Benjamin Rich, and myself and Mr. Laban S. Beecher. Having nothing to refresh my memory in relation to any point in dispute, I can only answer by stating generally the tenor of the conversation, as nearly as I can recall it.

Capt. John Rich said many things in relation to the figure head and yourself, and his observations were marked with much severity. Mr. Beecher and myself (it was the sole object of my visit) labored to convince him that your action, throughout the whole matter, should meet the approbation of every honest, intelligent man. In the course of the dispute, Capt. Rich said that he would guarantee that some merchants of Boston would pay the expense of any other figure head than a likeness of General Jackson, if Commodore Elliott would have it placed upon the Constitution. I said that the matter was beyond the control of Commodore Elliott, and that he had only to obey the orders of the Navy Department. Mr. Beecher then said, and authorized me to say the same to you, that he would make any other figure head without charge to the Government, if you would consent to receive it. I replied again that I was confident it was not at your option, but I would report his offer at the first opportunity. No opportunity occurred until after he had seen you himself.

Capt. Rich further remarked, that he was well assured that the Constitution would not be allowed to go to sea with the figure of General Jackson at her bows, either repaired or in the then mutilated state. This also I reported to you. I do not at this moment recollect any thing else pertaining to the subject. If any thing has escaped my memory, the article in the Atlas would call it to mind.

About the same time, I had a conversation with Col. Thomas C. Amory, the Chief Engineer of the Boston Fire Department, which I also repeated to you at the same time with the foregoing, as I felt in duty bound. The substance of it was this: Col. Amory said that he knew that a combination was formed, for the purpose of preventing the Constitution from going to sea as she then was, with the mutilated figure, and that a party of men would take possession of the battery at the Narrows, for the purpose of blowing it off. This remark was openly made in the bar room of the Exchange Coffee House; and as a citizen of the country, and a friend to yourself, I could not do otherwise than make you acquainted with the fact that such things were said.

Whether this will be a sufficient reply to your inquiry, I cannot tell, without papers to which I have no access at present. So far as

the Captain Rich conversation is concerned, the mistake probably arose from my speaking of 'Captain Rich,' without the designation of the christian name, you thinking only of 'Captain Rich,' the well known merchant. The conversation between Captain John Rich and myself was long and earnest. Captain John Rich, as I knew his uncle Ben to be, was very inveterate against you and the Government, and I must do Mr. Beecher the justice to say that he fully approved of your doings and feelings, so far as he knew them, in relation to the subject.

You well know, Sir, that I have been and am politically opposed to the present Administration, and I was opposed to placing the figure of General Jackson upon a ship whose very name I love. But I cannot be induced to do wrong or think wrong wilfully; and I am happy to declare that whatever I might have felt and written in the early part of the affair, I was entirely satisfied by your explanations and those of officers under your command, that your motives were pure, and your actions reasonable, under the circumstances of the case. I further believe, because I respect this community, that in a short time, the excitement having passed, they will be convinced by a candid statement of facts, and that your reputation will be as popular and as highly enviable in this part of the country, as it certainly was before the occurrences alluded to, which I think you will allow me to call at least unfortunate.

I shall be ready to answer any further inquiries which you may see fit to make,

And am, most respectfully,
your obedient servant,
CHS. H. LOCKE.

CHAPTER XIX.

Remarks upon the treatment of Captain Elliott.

SUCH is the treatment which Captain Elliott received from the "Whig" party of Boston, while he was commandant of the Navy Yard. Had his own conduct furnished the slightest apology for these manifold outrages? Had he, in any instance, done aught inconsistent with the duties and proprieties of his station? Had he ever interfered in the politics of the day in a manner unbecoming his office, or evinced towards any citizen any deficiency of courtesy or kindness? No! Why then were these vials of wrath discharged upon his head? The reasons have already been assigned.

First: He is a republican of the Jeffersonian school, and to "Federalists of the Boston stamp," a Jeffersonian republican is always an object of special, of rancorous hatred.

Second: Without being a partizan, he is friendly to the present national administration; and this, to the old Federal, now "Whig" party of Boston, is sufficient cause for unrelenting hatred and untiring persecution.

Third: The National Republican or "Whig" party of Boston, ever watching for subjects of complaint, deemed the figure head of the Constitution frigate a fertile subject, and used it accordingly; and as they consider poisoned weapons lawful in politics, the character of Commodore Elliott was to be slandered without stint, if the slander could avail them in cast-

ing odium upon the National Administration. But in what light do these proceedings exhibit the dominant party of Boston? The press filled with abusive and slanderous paragraphs! The walls of public buildings pasted with anonymous calls to violence! Anonymous letters filled with scurrilous libels and threats of assassination! Respectable and wealthy merchants offering bribes to commit a felony! Citizens of acknowledged influence and respectability publicly expressing their wishes that a national ship might not be permitted to put to sea, without lawless mutilation! A felony actually perpetrated under circumstances particularly outrageous! The press exulting over the felony, and the most respectable citizens exchanging congratulations upon it! A large number of the *elite* of Boston holding a convivial meeting over the fragment of a statue, feloniously taken from a national ship, for the purpose of offering indignities to the chief magistrate of the nation! Hundreds of the personal friends and daily associates of the member of Congress from Boston, after exchanging congratulations with him upon his election, marching in mob-like array to a depot of the national marine, for the purpose of publicly insulting its commandant!

It is no longer wonderful that in the State of Massachusetts, a convent is burned by the sovereign people assembled in a mob, and defenseless women and children driven at midnight from their beds, and left to seek shelter and protection, God knows where! by the light of their flaming dwelling! It is no longer wonderful that when a verdict of acquittal of one indicted for the abomination is brought into Court, the Temple of Justice is profaned and desecrated by the approving shouts, the exulting yells, of the assembled *bone and muscle and character* of the land! It is admitted that those who assembled in Bacchanalian

orgies over the mutilated image of the National Executive, were the first to denounce and the most active to prosecute the destroyers of the convent. But if those who condemn one outrage, instigate and approve another, their praise or censure must be governed by the object and not the principle. The agricultural population of Middlesex county perpetrate and approve one outrage, the commercial population of Suffolk county another ; both outrages marked by the same ruffian and cowardly features. Each condemns in his neighbor what he approves in himself ! It shows that one spirit, one mind pervades them ! The great, the good, the philosophic, the philanthropic Spurzheim, during his visit to Boston, declared that a prominent phrenological indication among the Americans, so far as he had seen them, was *a want of veneration*, a want of habitual respect for whatever is useful, and a disposition to put it at hazard to gain any temporary end. He cautioned them against this reckless spirit of which he saw numerous manifestations ; saying that unless carefully restrained, it would one day show itself in terrible convulsions. Little did the amiable sage dream that his prophecy was so near fulfilment, and by such revolting, such degrading deeds ! Europe contains many such enlightened philanthropists, who are looking to our country as the pioneer of self-government, whose hearts are bound up in the success of our experiment, conscious that if it fail, the lamp of liberty must go out, the hope of the world must expire, and all that will remain will be to make despotism tolerable. Sorrowfully must they behold, deeply must they lament these dark and gloomy indications. God grant they may not see the lamp which we have lighted, and which yet burns brightly, replaced by the desolating torches of anarchy, to be quenched in their turn by the dark, still waters of despotism !

The public are often cautioned, and by none more than the dominant party of Boston, against military despotism; against modern Cæsars and Cromwells in the person of Andrew Jackson. That we may not be very remote from a military despotism, is possible; and that a government strongly armed with military power may be a choice of evils, is no absurd supposition. But if ever such deplorable change is wrought in our institutions, it will be by the sober, peaceful portion of the community, seeking security from the desolating rule of mobs! If ever a military despotism should come, you, gentlemen of Boston, Federalists, National Republicans, "Whigs," or by whatever name you call yourselves, will incur no small share of the guilt of bringing it along; for if it come, it will originate in the mob-like, ruffian, incendiary contempt of law and decency of which you have set more than one flagrant example.

In reviewing the facts detailed in the foregoing pages, the reader will ask himself how is it possible that a *coward* should have risen from the lowest to the highest official rank in the navy, from the station of Midshipman to that of Commodore, should have been frequently selected for services requiring more than common resolution, and should often have been the object of complimentary notice from the government of the nation and that of his own state? Were these frequent promotions and repeated honors the work of one administration, to which he had rendered himself acceptable by continually paying court, or had he been aided in each ascent by powerful friends, the secret might be explained. He has been more than once charged with sycophancy to President Jackson. But the reader will remember that he was appointed a Midshipman under Mr. Jefferson, a Lieutenant before the war and a Master Commandant during the war, by Mr. Madison, and a Captain after the war by

Mr. Monroe. Under General Jackson, he has received and can receive *no promotion*; for his rank and emoluments are already as high as the laws admit, and public sentiment is probably still opposed to creating higher ranks, and an increase of emolument must depend upon Congress and not the President. Of his present rank and emoluments he cannot be deprived without the sentence of a court martial, and of *this* the probabilities are not very great. He has therefore nothing to gain by sycophancy. He has indeed received from President Jackson a mark of confidence in "his characteristic bravery and judgment," the command of the naval force sent to Charleston in the winter of 1833, to maintain the laws of the Union, then threatened with forcible resistance. But this was a thankless service, which he would have gladly declined. How well he performed it will appear from a complimentary letter which he received from the President. During this long period of his services and promotion, the country has passed through a war which roused it to a high sense of military honor; a war in which its gallant little navy covered it with never fading glory, a war in which heroes started up in every armed vessel, a war which called forth its Hulls and Bainbridges and Decaturs and Lawrences and Joneses and Perrys and Blakeleys and Burrowses and Stewarts and Porters and Morrises and Waringtons and Mac Donoughs and Biddles and Chaunceys and Rodgerses and a host of others; a war which convinced the world that American valor and skill were more than a match for the reputed mistress of the ocean. In such a state of public opinion, amid such a succession of spirit-stirring triumphs, could the coward have risen in equal steps with the hero? Could he who ran away from the enemy have been allowed to take his place of honor beside those who had met and beaten him?

Promotion and public honors have not been granted to cowards ! Has Captain Elliott's elevation been the work of powerful friends ? Who *are* they ? None can be found whose influence was strong enough to have procured for a coward, or for one of indifferent qualifications, a sword and a gold medal from Congress, and the highest commission in the navy. However he may stand in relation to friends, it is certain that he has enemies who have more than once attempted to impede his progress and destroy his character ; and instead of ascribing his elevation to the former, the public could say with more propriety, that it has been obtained in spite of the latter. The fact that he is the only Captain in the navy who has received from Congress *both* a gold medal and a sword, renders the case still more remarkable.

In considering the different modes in which Captain Elliott has been treated in South Carolina and Massachusetts, the reader cannot have failed to notice the contrast between Northern and Southern customs. This leads to the general remark, that a spirit of honor in political warfare is less prevalent in Massachusetts, than in any State of the Union. Boston is Massachusetts ; for the state is prostrate, bound hand and foot, by a system of corporations, consisting of Boston capital and wielded by Boston mind. Boston has long been governed by a narrow-minded and tyrannical aristocracy, the old Federal party ; that party so persecuting in spirit, so rancorous in its hatreds in the days of the elder Adams and the black cockade ; so libellous, so slanderous in the days of Mr. Jefferson ; so factious if not treasonable in the days of Mr. Madison ; so adulatory in the days of Mr. Monroe, and so changeling in its names and policy at the present day. Amassing great wealth in the wars of the French Revolution, it used that wealth for the acquisition and retention of power, and as

means to this end, it established a system of corruption and terror, of bribery and menace, of flattery and detraction, which has enabled it to ingulf and turn to its purposes nearly all the talent of the State. The same party is still alive; for whatever Protean shape it may assume, by whatever name it may call itself, whether Federal, National Republican or "Whig," whatever may be its changeling policy, whether it may pronounce a protecting tariff unconstitutional, or the only means of saving the country, whether it may devise the Hartford Convention or approve the President's proclamation, whether it may denounce *nullification* as a "damnable heresy," or commend it as the only true constitutional doctrine, it is the Old Federal party still, united and organized as in the days of Mr. Jefferson, and in Massachusetts at least, more powerful than ever. To this party all means are alike, for its political ethics, like those imputed to the Jesuits, contain but two principles, fidelity to the party, and the promotion of its interests. Hence their propensity to defame those whom they cannot purchase or intimidate, to poison secretly those whom they cannot conquer in open, honorable combat. Hence their foul libels upon Mr. Jefferson, now repeated in new shapes; hence their atrocious slanders of Governor Eustis; hence the vile falsehoods that issue by thousands from the Boston Federal mint, whenever an election is pending; hence their dastardly attack upon Commodore Elliott. Hence in no part of the Union so much as in Boston, is mischief encouraged to work her fell purposes by sly hint, by dark innuendo, by lurking sneer, by cautious, thieving detraction, and especially by that miscreant weapon, anonymous letters! The author of these pages respects as much as any one can, and more than many do, who, for purposes of their own, are continually parading their professions of respect, the

many laudable points of character in the sons of New England. He acknowledges and respects their unshrinking courage on the battle field or the mountain wave, their daring enterprise, their untiring perseverance, their insatiable thirst for knowledge. But in no spirit of taunt, with no other wish than to rouse that attention to faults that may lead to their reformation, he feels compelled to say that these high qualities are tarnished by envy, disingenuousness and cunning; are not heightened and polished by an open, generous frankness, an elevated magnanimity. "The chivalry of the South," oftentimes unreasonably, nay, ridiculously vaunted, is still no delusion. However little disposed the sons of New England may be to yield to the groundless pretensions to superior genius, superior talent, superior courage, often arrogantly set up on the other side of the Potomac, they must admit that a lofty sense of honor, a contempt of low expedients, a proud scorning of advantages unworthily gained, ARE bright spots in the Southern character, as exhibited in its political action. How much brighter would that of New England be, if the same gems adorned it! It is to be hoped that these gems may be worn more frequently for nothing would more become a brave, an enterprising, a persevering; an enlightened people! It is to be hoped that with the aspiration after improvement so characteristic of the Eastern States, riches like these may no longer be under-valued!

It will probably be said by the political hirelings who have sought to defame Captain Elliott, and by the anonymous promoters of evil designs who have instigated and paid them, that in repelling their assaults, the grave of Perry has been violated and war has been waged with the dead. This is no new device of the slanderer. To cite the dead as witnesses against the living, and then to protest against viola-

ting of the grave if the testimony of the witnesses be impeached, has been often done before, and would accord with all the other proceedings of the Federal or "Whig" politicians of Massachusetts against Captain Elliott. But this expedient needs only to be exposed in its true character, to insure for it the condemnation of all honorable minds. The dead should never be disturbed without necessity. The memory of their virtues should be preserved and cherished; but the evil which they have done should be consigned to oblivion, unless the recollection of it can serve the purpose of example. For honest purposes only should the threshold of the tomb be passed. Of what crime then is he guilty, who disturbs the repose of the dead for the purpose of defaming the living? Who violates the sanctity of the tomb in pursuit of mischief, and brings its secrets to light to be scattered as firebrands among the habitations of his neighbors? If the dead be thus sacrilegiously dragged again to earth, the mouth of the accused is not to be stopped because they are dead. If introduced as witnesses, they are to be treated as witnesses according to the established rules of evidence. Justice would cease to be even handed, if one party were allowed to select his witnesses, and to forbid their cross-examination by the other. To protest, therefore, against rigidly scrutinizing a witness because he is dead, comes with an ill grace from the very party who has invaded his tomb to procure his testimony, and for the unhallowed purpose of defaming the living. When thus introduced, the witness can claim no protection against any examination that may elicit truth, and if his memory suffer in the process, be the guilt on the heads of those who produced him! Commodore Elliott did not attempt to tear up the laurels that shade the tomb of the gallant Perry. He assailed *nobody*, living or dead. Defamatory accusations

were preferred against him, to promote the designs of a malignant and unrelenting political party, and the grave of a departed hero was ransacked for evidence. What did the accusers produce? Documents under the hand of the departed thus sacrilegiously made a witness, charging the accused with high crimes and misdemeanors. How did he meet the testimony? By documents of an earlier date, under the hand of the same witness, telling a different tale, and corroborated by the concurrent testimony of the constituted authorities of the nation. What must be the result in the minds of impartial triors? They will say that the witness contradicted himself; that he suffered evil passions to blind his judgment, confound his recollections, and smother his better feelings; and that his accusing testimony is valueless. If his memory suffer, be the sin upon the heads of those who, to promote the purposes of faction, called him from his repose to blast the well earned laurels of the illustrious living.

The reader has now had a faithful history of the brilliant exploits performed, of the public services rendered, and of the extraordinary trials endured by Captain Elliott. That such a man should have been forgotten by any portion of his fellow-citizens; that he who, in the cause of his country, had so often braved death amid storms and tempests and disease, and the thunders of hostile navies, who, in carrying "the star spangled banner" in triumph round the world, had waged war with the elements as well as the foreign foe, should have been permitted to drop from their memories as a being of no value, affords painful evidence of the facility with which nations may become ungrateful. But that such a man should be defamed, that his merits should be denied, that the slanderer should assail his reputation, that the coward's brand should be set upon him, that the traitor's

ignominy should be his reward, afford melancholy proofs that no extremities of wickedness are too great for the spirit of faction. As exhibited in these assaults upon Captain Elliott, the wickedness of party spirit in Boston is astounding. It is high time for the honest portion of the community to open their eyes to this mischief, and to measure and contemplate its consequences. "Where is this to end?" should be the anxious inquiry of every one who thinks that the honor of our country is worth preserving, and the characters of its servants worth defending. It is impossible for any one of our institutions, civil or military, to be faithfully and efficiently administered, unless by talent, probity and honor. And will those possessing these qualities consent to serve their country, if their reward is to be the oblation of their character to the WOOD DEMON, the SAUGERJDA* faction? No! They will retire from a field which promises nought but a harvest of thorns. Amid such flights of poisoned arrows, each coming from some new direction, and aimed at some new object, no one can promise himself impunity. Let no one then deceive himself with the delusive hope that the demon of faction will be satisfied with the blood of others, and leave his own untasted. The shaft is aimed at Elliott to-day! What guarantee is there that it will not reach the throat of Hull, or Stewart, or Chauncey, or Morris, to-morrow? A fiend that thirsts continually for blood, will not stop to inquire from what hearts it flows! To our navy particularly, an institution of which the vital principle is honor, this *system*, this *business* of slander is fraught with destruction. Let this system be pursued, let it be applied wherever it may suit the everchanging policy of Boston Federalism, and what will become of that institution which is both a rampart of national defense and a

* Appendix K.

monument of national honor ? Knaves and cowards can tell, for *they only* will consent to wear its ensigns !

That disputes should occur among the officers of our navy, is not extraordinary. Men rendered jealous of honor by their profession, and contending for preferment in a field too limited to meet the deserts of all, will sometimes be engaged in angry controversies. But there is a tribunal, the public whose servants they are, to which they can appeal with some hope of a deliberate and righteous decision ; and after they have stated their several cases, it is the duty of that public to decide impartially, and then to consign the controversy to oblivion. But that such controversies should be revived long afterwards, by those who had no personal interest at stake, whose only object was to promote the designs of faction, and who sought to promote such designs by immolating one of the parties upon the altar of calumny, must excite in well regulated minds a feeling approaching astonishment. Low indeed must be the moral standard, vague and indefinite all ideas of honor, where such deeds are encouraged and applauded. A controversy had arisen between Perry and Elliott, marked by a spirit of peculiar bitterness on one side, and of deep resentment on the other. They had told their stories, their fellow citizens had decided between them, the grass of the tomb had waved over the one, and the other was usefully and honorably employed in the service of his country. The one was remembered and lamented as a departed, the other honored as a living hero and patriot ; and if the story of their differences was remembered at all, it was as a summer cloud which may obscure for a moment, but cannot extinguish the glories of the noonday sun. Suddenly the controversy is revived ! The dominant political party of Massachusetts, ever vigilant, ever active either in open assault or secret

mining, ever regardless of means and wreckless of consequences, seeks some new expedient to paralyze the arm of the National Government, and to drive the National Executive from the confidence of his fellow citizens. The sacrifice of a gallant officer upon the altar of calumny is an expedient at hand, and the knife is sharpened with alacrity. If such is to be a naval hero's recompense for years of toil, and for the daily and hourly venture of his life, and such it may be whenever necessary to the views of the dominant politicians of Massachusetts, who with a soul at all imbued with honorable sentiments, will submit to wear the ensigns of the American navy?

There is a feature in this transaction too prominent to be overlooked. It starts out in bold relief, a hideous deformity. There are relations which refined and elevated minds deem too sacred to be sported with, too delicate to be trampled upon. With such minds, public servants may, for righteous purposes and by honorable means, be subjected to the most rigid scrutiny, and tried by the severest moral standard. But never, by them, is the sanctuary of the dwelling invaded, and the dishonor of its head proclaimed to its inmates in tones of unmanly insult. Commodore Elliott is a husband, and the father of a numerous and interesting family of females. His house was deluged with ANONYMOUS LETTERS of defamatory import, with scurrilous handbills, with the ebullitions of a cowardly and profligate press! Yes! The fireside of a brave and honorable public servant was invaded by the foul panders to faction, screaming in the ears of the matron and her daughters, that her husband was a coward, that their father was a traitor! Let any one fitted to appreciate the sanctities which invest the head of a family, imagine the husband and father assailed in the very presence of those to whom his fair fame is as his life,

and then ask himself if any degree of moral indignation exceeds the deserts of the perpetrators?

The characters of public servants are public property. The correctness of this principle in free and responsible governments, admits of no question. But what is the correct interpretation of this principle? Properly understood, the principle authorizes the severest, the most rigid scrutiny, for the purpose of securing a just responsibility over public servants. It authorizes no calumny, no detraction, no needless reproach. The characters of public servants are public property, not for the lawless and the base to deface and destroy, but for the wise and the good to preserve for lawful uses. The Constitution frigate is public property, not as an offering to the torch of the incendiary, but as an instrument of national defence.

Such being the proceedings of the dominant political party of Massachusetts towards Captain Elliott, and such being the motives which induced them, a solemn duty devolves upon the citizens of the United States. It is for them to say whether such a man, who has devoted more than thirty years of toil and danger to the service of his country, shall be cast down and dishonored by calumniators, to promote the ends of faction. It is for them to say whether a political party which numbers moral treason among its sins, shall be permitted to tear in pieces the character of a gallant officer, who was shedding his blood in combatting the enemies of his country, at the very time when this same party were adhering to these enemies, "giving them aid and comfort."

It is believed that the patriotic citizens of this Union are not yet prepared for such a sacrifice; not yet prepared to yield the reputation of a brave and patriotic commander to the Moloch of Massachusetts' Federalism. It is believed that they will rise up in

the might of indignant and insulted virtue, and not only vindicate themselves from the imputation of national ingratitude, but rescue the fame of Elliott, and visit the faction who have assailed it, with their deep and lasting indignation.

CHAPTER XX.

Conclusion. The duties of the Democratic party.

THE reader has now been informed of the treatment which a meritorious public servant has received from an old, active, persevering and powerful political party; the same party which poured such torrents of slander upon Mr. Jefferson, which devised such various contrivances for embarrassing his administration, and which so openly and effectually aided the enemies of the country in the late war with Great Britain. Upon a careful view of these facts, a solemn duty devolves upon the Democratic citizens of the United States. Since the first election of Mr. Jefferson, the destinies of this great country have been confided to the Democratic party. With what success the principles of this party have been carried into operation, to what grand, what magnificent results it has conducted a great experiment of popular government, are now matters of history. That the experiment has succeeded, that the result has become as polar star to all seekers after liberty in other climes, is what all have ceased to doubt, and many have learned to fear. Kings "believe and tremble," vassals perceive and hope. Crowns totter upon the heads of the one, shackles grow weaker upon the limbs of the other. But let no friend of these great principles lay to his soul the flattering unction that all is accomplished, that nought remains to be done. Let him recollect the years of toil and struggle that

have been spent in accomplishing so much, and then reflect that years of toil and struggle are yet to be spent in preserving what has been achieved. Eternal vigilance is the vital principle of liberty. It is like the weight rolled slowly and painfully up the steep, and which must there be held with unrelaxed sinews, or down it rolls again, leaving desolation to mark its rapid flight. During the period of thirty-five years in which the Democratic party have guided the destinies of our country, they have had an enemy in the field, intelligent, numerous and disciplined, ever watchful of events, ever ready to profit by circumstances, sometimes sounding the trumpet of open combat, at others singing siren notes of peace, ever ready to draw the sword when flushed with hope of victory, ever ready to let fly the shaft when their delusive tones of amity had lulled their opponents into false security. *Richmond is yet in the field!* This party, whose secret organization has never been relinquished, who were always ready at roll-call, prompt in obedience to orders, are now marshalled for battle, under the very flag that waved at Hartford in 1814, and conducted by a leader of consummate skill and unquestioned fidelity to his cause.

Of this party, Massachusetts is the strong hold, the very fastness, and Boston the head quarters. Its present organization, its existing arrangements, the very name now inscribed upon its ensigns, and which it stole from a party whose principles were the antipodes of its own, are all the work of the choice spirits of Boston. With the principles of *Tories*, it has assumed the name of *Whigs*; and the very object of its present array against the existing National Administration, is, like that of the Conservative Tories of England, to hold fast upon monopolies and exclusive privileges, and to impart new force to the engines by which the few may direct the many. This party has

its ramifications in other states, and even includes in its ranks some of those who, in former times, deemed opposition to it a political duty, and even now imagine that its success will be the triumph of Democratic principles. But let all such seriously ask themselves when did Democratic principles flourish under the guidance and tutelage of Massachusetts Federalism? As well might toleration have flourished under the protection of the Spanish Inquisition. The success of the present "Whig" party will be the triumph of "Federalism of the Boston stamp," and how far Democratic principles may be promoted by this, the history of the past will show. Whether this party will succeed in the contest now pending, is a question yet doubtful. The party is powerful in numbers, resources and discipline; its officers are skilful, its troops obedient and faithful. Its expedients will be any that give promise or hope of success; and the foregoing history of Captain Elliott will prove that if the expedient of calumny will accomplish any thing, it will be used without stint.

This party has entered the field with a Presidential nomination of very imposing character. Its candidate is one who, for the last twenty years, has played a prominent part in the political history of his country, and whose giant abilities have been to all political sects a theme of just admiration. There are those who believe that should he be elected, the nation would be blessed with a wise and efficient administration, distinguished for liberality and expansion of views. Delusive hope! Should the character of such administration depend upon its ostensible head, these speculations would doubtless be realized. He is indeed a being whom nature intended for greatness; who, if left to follow the promptings of his own powerful and expansive mind, if left to work out, unchecked, the conceptions of an intellect formed for

elevated thoughts, for lofty aspirations, would have swayed the hearts and convinced the judgments of his countrymen; would have found the warmest place in their affections, the highest in their admiration. But alas! this intellectual Colossus, intended by nature to march with giant strides to the loftiest place in the confidence of his countrymen, has been cramped and checked in all his movements by the toils of humbler spirits; has attained no loftier height than that of a leader of a faction,

“And to party gave up what was meant for mankind.”

He is spell-bound by the habits, feelings and interests of a local party. Boston Federalism, like a boa constrictor, has long held him in its awful gripe, and will not relax its folds while he has power to struggle. He is a moral Laocoon, held fast beyond the power of extrication; and when he finds that in striving to be free, he but exhausts his powers in unavailing efforts, he will yield to the dire necessity. He would be merely the nominal head of his own administration. Boston Federalism would be its vital principle, its animating spirit, and “Federalists of the Boston stamp” would be its guides and directors. With talents of the highest order, he is deficient in that important, that essential requisite of a statesman, MORAL COURAGE. His timidity is not of that species which restrains him from expressing decided opinions upon important political questions. He is not a disciple of what is called the “*non committal*” school. Politicians of this sect, if not bold enough to lead, are generally too firm to be led; and when induced to express decided opinions, they are generally the last to abandon them, and the most active and persevering in carrying them into operation. The Federal candidate’s timidity is of a more dangerous description, and that which indicates much more facility of character. He expresses

decided opinions upon all subjects; he is "every thing by turns and nothing long." He is continually taking decided ground, and continually changing it, because he is not bold enough to act upon the suggestions of his own powerful intellect, but submits to the dictation of others. No breezes are more fitful than the political breezes of Boston, for they change with the pecuniary investments and speculations of its trading politicians. As they change, so must the distinguished individual who is now their candidate for the Presidency. Should he disobey them, they would cast him off; and if repudiated by them, with what party now existing or that has existed since he came upon the political stage, could he intrench himself? Whenever then he takes a decided course, instead of its being a proof of his political boldness and independence, it merely shows that he is an organ to proclaim the opinions of others.

For proofs of this, let him be traced through all his devious course. He entered upon the political stage in New Hampshire, an active, steady, uncompromising opponent of Democratic principles and measures. Called by the Federal party of that State, to whom his early efforts gave promise of becoming a champion in their cause, to a seat in the national House of Representatives, he tasked to the utmost his gigantic powers in opposing the war, and all measures for prosecuting it to a successful termination; and particularly did he oppose the creation of the present National Bank. Removing to Massachusetts at the close of the war, he entered with the zeal and activity of a thorough partizan, into all the views and projects of its Federal aristocracy. Elected to the Convention for revising the constitution of that State, which assembled in 1822, he stood forth the champion of chartered privileges and legislative monopolies, and did what exceeded the powers of any other member of that assembly, persuaded it to base the senatorial

representation of Massachusetts upon the aristocratic principle of property, and not upon the democratic principle of population. In 1824, the great capitalists of Boston were strenuous advocates of *free trade*, denouncing all protecting duties as *unconstitutional* projects to favor monopolies, and their partizans as a selfish and money seeking faction. This distinguished individual, then their representative in Congress, concentrated his mighty powers against the tariff of 1824, in an effort which drew from all parties the highest admiration, and which caused the great champion of the protecting system to tremble for the fate of his favorite measure. In 1828, the same capitalists of Boston who found such insuperable constitutional objections against the tariff of 1824, having transferred their funds from commerce to manufactures, perceived in commercial restrictions the only true construction of the constitution, and the only means of saving the country from speedy impoverishment and ruin. Their representative in the Senate, this intellectual giant again brandished his massive war club in support of local interests, and answered all the arguments which he so forcibly arrayed against protection in 1824. In 1830, he was the champion of the constitution against the *heresies* of South Carolina, heresies which that State had assumed in opposition to the manufacturing interests of his constituents. In 1832, at a Convention at Worcester in Massachusetts, while portraying the political sins imputed to the present administration, he boldly entered the very field of *nullification*. Again, in 1833, in a great meeting in Faneuil Hall, in which the principal Federalists of Boston were most active, and which may be justly denominated a Federal meeting, he supported the President's proclamation as the only correct exposition of the constitution, and denounced nullification as fraught with destruction

to the Union. As was before said, he opposed the creation of the National Bank in 1814, and in 1833 and 1834, was the file leader of the party which sought to renew the charter of that institution. In 1834, he opposed that clause of the *gold bill* which provided for a coinage of *one dollar* pieces, which were intended for a substitute, not only for small bills, but for heavy and cumbrous silver dollars; and a few weeks after, in a speech at a "Whig" festival in New Hampshire, denounced this gold bill as tending, by expelling silver dollars from the country, to deluge it with an issue of *one dollar bills*.

In all these changes, he has uttered the sentiments, supported the interests and conformed to the directions of the old Federal party of Massachusetts. With the principles of this school he was imbued in early life; all his feelings and habits of thinking are derived from it, and by whatever party he might be elevated to the Presidency, the principles of this school would inevitably direct his administration.

Is the proud and high souled Democracy of the Union prepared for this? Is it prepared to surrender to its persevering and implacable foe, all the fruits of a struggle of thirty-five years? No! must be the response of every Democratic heart. No citizen friendly to the existing administration could acquiesce in such a result, and no Southern or Western opponent of it who stood firm in the ranks of Democracy during its arduous struggles under Jefferson and Madison, could be so recreant to his principles and his recollections as to bow the knee to those *who raised the five striped flag when the enemy was at the gates*.

Yet is a large portion of this proud Democracy called upon thus to proclaim its own dishonor, and by the very projectors and master spirits of the Hartford Convention. Among those who were most active in electing the present Executive, the people of the South-

ern and South Western States, a portion disapprove some of its most important measures. This was to have been expected; for in a federative republic of twenty-four States, independent of each other in all municipal regulations, and from physical causes having a variety of local interests, perfect unanimity of opinion could not be expected upon all measures of general policy. The same diversity of opinion, with the same independence in expressing and acting upon it, led to the election of this administration, and to the defeat and removal of its immediate predecessors. This opposition in the South to the present administration, has led to a temporary co-operation between this antagonist party and the "Whigs" or Federalists of New England. The first oppose the administration, because they regard some of its measures as inconsistent with those great Democratic principles, to support which they aided in electing it. The second oppose it as they have opposed every Democratic administration, because it is Democratic, and as they will oppose all succeeding administrations, until the government again passes into their own hands. But can this union last? Can a coalition of materials thus discordant, continue till the decision of the impending Presidential contest?

The Southern portion of the "Whig" party belong to the school of strict, the Northern to that of latitudinarian construction of the constitution. The first contend that all powers not expressly ceded belong to the States as sovereign communities; the second, that all powers belong to the general government, which, for the time being, are necessary to, or may aid in promoting the prosperity of the country. The Southern party are opposed to banks, internal improvements by the Federal government, high taxation, high tariffs to protect interests merely local, to extravagant expenditures of the public treasure, to a splendid and expensive

Federal government, to a national debt, and to the whole machinery of legislation by which the expenditures of the government may be augmented, its patronage extended, and the public money be made the price of chartered monopolies. The Northern or New England party are in favor of this system, and their candidate is one of its champions. Especially do the Northern and Southern parties differ about a national debt and a splendid Federal government. The former believe that a national debt is useful, if not necessary, in cementing the Union. They have little confidence in the power of popular intelligence to sustain free institutions. They consider the virtue and intelligence of the people as a broken reed, and therefore consider that some direct appeal to individual interest, separate from the interest of the whole, is necessary to bind them to any government worth preserving. They treat as chimerical the consideration that, every American citizen who at all understands the nature and operation of our representative democracy, is convinced that it is adequate to protect the equal rights of all, and that by any change he can gain nothing, and may lose much. They believe that *property* must be the great object of concern to all free governments, that it is the most important of all rights, that in comparison with it, the right to life, liberty and character are secondary, and that it should therefore be the principal object of legislation. They believe much in the influence of great capitalists or money holders over society, and therefore believe that if such, who must necessarily be few in number, are enlisted in favor of any measure or system of policy, all the rest of the community must follow them. They therefore believe that a national debt, by creating a direct pecuniary interest in the preservation of a government, is its strongest bulwark.

This opinion, of English growth, prevails more in Boston than in any other of our cities; and it must be recollected that the politics of Boston govern the state of Massachusetts, and exercise great influence over the rest of New England, with the single exception, perhaps, of Vermont. The opinion is of English growth. The government of England, however simple in theory, is extremely complicated in practice. It is not like that of the United States, the offspring of express compact among the States, nor like that of each State, the offspring of express compact among the people. It consists of innumerable usages, originating at different times through a period of many centuries, and extorted by oppressed subjects from reluctant masters. It has undergone numerous and bloody revolutions, and exhibited all phases, from despotism to anarchy. The result has been a settled government, exhibiting more practical freedom than was ever yet known in a monarchy, but so complicated as to be daily liable to derangement, and with its inconsistent and heterogeneous parts so mutually dependent, that many of the purest patriots and most ardent lovers of liberty in the British Empire have been afraid to reform the most glaring abuses, for fear of destroying the whole machine. The most enlightened portion of the English people, and these, it is fair to admit, are a majority, are attached to their government, not because they consider it the best existing, or which they are capable of maintaining, but because they see no ready and peaceful mode of change; and it is not, probably, assuming too much to say that the majority would adopt a simple, homogeneous, written constitution at once, could they do it without totally deranging the whole social system.

The Government of England has exhibited, from the Norman Conquest to the reign of James I. a perpetual struggle between royalty and aristocracy; and

from the latter period to the present day, a perpetual struggle between aristocracy and democracy. In the latter conflict, success has been alternate, and the aristocracy, in continual apprehension of defeat, have resorted to stratagem to preserve what they could not defend by force. This stratagem has been to enlist in favor of their own privileges a large portion of the democracy, by means of a direct pecuniary interest. Hence a standing army, an immense navy, an established religion, and above all, a public debt. Hence also a most complicated, expensive, tedious and onerous system of jurisprudence. It is remarkable that all these establishments are either the remains of barbarous and despotic ages, or have been founded and nurtured in modern times by the aristocracy. They all offer to the democracy direct pecuniary interests. The law, the church, the army and the navy are sources of employment, wealth and distinction to thousands, and almost millions, and hence are objects of special favor with a portion of the enterprising English democracy. That country contains thousands of enlightened and patriotic men, who clearly see the mischiefs of her political system, but who are able to discover no remedy that would not involve a great personal sacrifice. Holders of the public stocks, they have believed that a political change, once begun, would proceed to the destruction of the national debt, and thus destroy their own property. Having sons or relatives in the army, the navy, the church or the law, they have perceived in the reduction or modification of either, the removal of such relatives from employment, and their consequent loss of distinction, wealth, and even bread. The Tory party of England, generally led or commanded by men of great sagacity and foresight, and perfectly understanding the influence of this debt and these establishments over the democracy, have al-

ways been solicitous to augment the one and preserve the other, and have therefore studiously inculcated the doctrine that the army, the navy, the church, and the law were bulwarks of the national liberties, and that *a public debt was a public blessing*.

To inculcate this doctrine about a public debt among the merchants of England, was an object of peculiar solicitude to the Tories. Merchants are naturally republicans, yet naturally inclined to found aristocracies. Commercial pursuits lead to impatience of restraint, and a sturdy spirit of opposition to arbitrary power. Hence all commercial monarchies have been free, and have advanced or declined in freedom as they did in commerce. But as in commercial communities, wealth is the chief object of pursuit, the possession of it becomes the chief source of distinction, and a natural desire of the possessors to perpetuate such distinction leads to the foundation of aristocracies. Hence all commercial republics have proceeded from equal rights to monopolies and oligarchies. The Tories of England, speculating upon these national propensities, have therefore been careful to create a species of property, which, being particularly convenient in commercial pursuits, tends directly to inlist the mercantile democracy in its favor, and consequently in favor of the government which creates it. The English merchants, retiring from active business, and seeking a safe and permanent investment of their wealth, have very naturally resorted to the public stocks, as a species of property with which their profession has made them most conversant, and which requires the least care in superintending, and have therefore very naturally adopted and fostered the opinions which the Tory party wished to propagate about a public debt.

The transportation of these opinions to the commercial cities of the United States, was in the natural

course of events. The English origin of the Americans, the identity of their language and jurisprudence with those of England, and the intimate commercial intercourse that has existed between the two countries since the treaty of 1783, has produced a similarity of commercial character. In Boston, this similarity is exact ; for this city, containing few foreigners, has preserved its original and purely English character ; and having always been governed by a monied aristocracy, has always been the soil where English opinions would naturally take root and flourish. Hence one of the fundamental principles of the Boston Federal party always has been, and still is, that, **A PUBLIC DEBT IS A PUBLIC BLESSING.**

Another opinion of the Federal party of Boston is, that a splendid national government, supported by an extravagant expenditure, is necessary to command the respect of the people for the laws and constituted authorities. Here again they evince their want of confidence in popular intelligence. They are unwilling to believe that the people need no other motive to respect the laws, than a sober and enlightened conviction of their utility. They believe in the efficacy, the necessity of appeals to the senses, and through them to the imagination. They believe that the people must be inspired with awe, with wonder, with some vague and undefinable sentiment concerning the power and majesty of rulers. A commercial city is the most natural depository of this doctrine ; for there the power of wealth is greater than among an agricultural population, there social inequality is greatest, and jealousies between the two extremes are most easily, and, therefore most frequently excited. Of all the commercial cities of the Union, Boston is the soil where respect for wealth, submission to the opinion of popular leaders, and surrender of individual judgment, have taken deepest root and flourish-

ed in the rankest luxuriance. Its population is decidedly English in character, for it is exclusively of Bostonian or New England origin. There never was any immigration to New England, excepting from the British Empire. The whole of this was from England, excepting a small colony of Scots to Vermont, and one or two of Protestant Irish to New Hampshire ; and none of it has been made since the revolution. The few thousands of Irish now to be found in Boston and its vicinity are not here considered, as they are too insignificant in number or influence to produce any effect upon the character of the city. Therefore New England, receiving no accessions from immigration, and continually sending out its swarms to other sections of the Union, has in a great measure preserved its original character. Before the revolution, Boston was the largest city in New England, next to Philadelphia the largest in the colonies, and the great depot of the commerce between the North American colonies and the mother country. It was consequently the head quarters of the British colonial government, and more importance was attached by the British ministry to the appointment of a governor of Massachusetts, than to that of any other officer of these colonies. Those acquainted with the operations of the British government in its colonies, well know the imposing appearance which it usually wears, and the pomp, the magnificence, the array of power and splendor with which it endeavors to inspire fear and conciliate favor. Hence its machinery of kings' birthdays, queens', princes', and princesses' birthdays, coronation days, and other festivals, all affording opportunities for exhibitions of official splendor and military power. This was particularly the case in the colonial administration of Massachusetts ; for that colony, having been settled by the Puritans, who were hostile to both the civil and

ecclesiastical government of the mother country, was characterized by a spirit of sturdy independence, and was therefore considered a proper subject for such exhibitions of regal pomp and power as were fitted to inspire dread of the mother country. Besides this, the overthrow of Cromwell's republic and the restoration of the Stuarts was characterized by extreme gayety and licentiousness of manners, one object of which was to ridicule, and thereby eradicate, the austere morals and republican simplicity of the Puritans. In this change it was natural for the town of Boston to participate in some degree; it being the residence of the colonial officers, and the depot of the commerce between the two countries. But still, during the reigns of Charles II. and James II., the republican spirit of Massachusetts, and indeed of all New England, maintained itself. Though restrained by the power of the mother country from any decided manifestations, it was still kept alive and fostered, especially in the interior. The colonists considered themselves in a sort of Babylonish captivity. They had their Daniels and Ezekiels in their pulpits, protesting in allegories, parables, and other figurative and enigmatical language, against the divine right of kings and ecclesiastical dignitaries, and in favor of the great principles of civil and religious liberty for which they had come out of Egypt, and left the dominion of those Pharaohs, the Stuarts. They longed for another Cyrus to issue the decree of their liberation, and for another Ezra to lead them out of bondage and rebuild their temple. This new Cyrus came in the person of William of Orange, and this new decree in the revolution of 1688.

The people of Massachusetts hailed this event with delight, and offered to the new government the warmest professions of loyalty and attachment. William III. responded to these professions with great cordia-

lity, and always expressed a lively interest in the prosperity of the New England colonies. He was attached to them by a community of religious, and a similarity of political principles; for the same impatience of civil and ecclesiastical despotism which drove them away from England, had placed him on its throne. But though educated in the puritan and republican schools of Holland, William was not a republican. He was a prince by birth, a monarchist in principle, and a king by circumstances. And though the royal dynasty of England had been changed, and her free constitution restored, her government was still a monarchy. Splendor is the foundation upon which all monarchies must be laid; and as William was too sagacious a monarch to undermine his own authority by encouraging a return to the republican manners and usages of Cromwell's days, splendor was one of the means which the new English government used to operate upon the fears or affections of its colonial subjects, and to wean them from their republican predilections to a preference for a constitutional monarchy. In the joy inspired by their liberation from the tyrant Stuarts, the people of Massachusetts responded zealously to all the professions of good will offered by their successors, and became, under the dominion of William, Anne, and the first and second George, the most loyal and devoted subjects of the British empire, lavishing their treasure like dust, and pouring out their blood like water. Amid these indications of good will from a government, freer in practice than ever monarchy was before, or has been since, and of loyalty and affectionate devotion from the colonists, the republican simplicity of the Puritans declined, and their love of liberty, still ardent as ever, became associated with the glories of a constitutional monarchy, and affection for the person of a constitutional king. Boston

continued to be the head quarters of the government ; and having grown rapidly in population and wealth, and being the depot for the commerce of the whole colony, exhibited a fondness for splendor, for shows and spectacles, for civil and military parade, that was not exceeded by any town in the British Empire. The American revolution produced no change in these sentiments, but merely changed their objects. Though the part which Boston bore in this revolution is matter of history, and constitutes her proudest and most enduring monument, the effect of this great political change was not to restore the republican simplicity of the Puritans ; not to eradicate the fondness for splendid government which had been engendered by the mother country, after the overthrow of the Stuarts. The Bostonians still continued a splendor loving people, and their commercial position still enabled them to exercise a controlling influence over the rest of the State. Old usages were continued, old festivals were retained and adapted to the new political order of things, birth days of kings gave place to birth days of presidents, coronation days to election days, and veneration for the persons of princes to that for the persons of governors.

Nor were auxiliary causes wanting to keep alive these English tastes and habits of thinking. At the commencement of the revolution, many of the wealthiest and most influential families of Boston were royalists and went away. Returning after the peace of 1783, they continued to exercise great influence in the social relations of Boston, and afterwards acquired no little in the politics of the State. It is a singular fact that several individuals who have been conspicuous in the political history of Massachusetts since the adoption of the Federal constitution, were members of eminent Tory families. Another singular fact is that in the convention which as-

sembled in Boston in 1822, to revise the constitution of Massachusetts, was an individual who was then a pensioner of the British government, and had either been a revolutionary Tory, or belonged to a Tory family. One of the Democratic newspapers of Boston contained, at the time, an explicit declaration of these facts, accompanied with a question if such member were eligible to, or could with propriety hold a seat in, that convention. A "Whig" newspaper of Boston was established and is now edited by the son of a Tory, the editor himself having been born in the British dominions, and therefore being, according to the laws of England, a British subject. The same individual was recently a member of a very important and responsible judicial tribunal, the administration of which, by himself and his associates, was signalized by indictments against Democratic citizens for alleged illegalities in voting, which were thought, by the objects of them, to savor of political persecution.

The reader will perceive in most of these facts, the origin of that English tone of thinking, that respect for English usages and opinions, which has always characterized a majority of the people of Boston.

The formation of the Federal constitution having divided the country into two parties, which subsequent events separated still more, the Tories of Massachusetts very naturally allied themselves to the Federal, or strong government party. The French revolution tended still more to widen the breach between these two parties, and here again, the Tories very naturally joined the Federalists in opposition to the French republicans. The treaty with Great Britain, commonly called Jay's treaty, was an event that tended, perhaps more than any thing, to embitter the Federalists and Republicans or Democrats against each other. The commerce between England and Boston was then great; most of the Bostonians di-

rectly concerned in it were Federalists, and having a direct pecuniary interest in preserving amicable relations with Great Britain they encouraged and expressed a strong predilection for English opinions and usages, and indeed for every thing of English origin. From this time until the close of the last war, the feelings and opinions of the Federal party of Boston became completely *Anglified*. To be a Federalist, with strong partialities for every thing English, was the only road to success, to wealth, to distinction, to public employment or private patronage; while to be a Democrat was to be derided, despised and persecuted. The Federal party, as a necessary consequence, absorbed nearly all the talent and wealth of the town and the State; for the moral courage that can withstand the systematic persecution that was visited upon Democrats, is not always to be found in commercial cities. The banks were Federal, and would grant no accommodations to Democratic merchants; Democratic lawyers could get no clients, Democratic physicians no patients, and Democratic mechanics no employment. The Federal newspapers were open and strenuous partisans of Great Britain against their own country, and at last, magazines and other periodical works appeared, which denounced republican and supported monarchical government. In short, the necessity of a monarchy in the United States, as the only form by which liberty could be maintained, was a doctrine that circulated extensively among the Federalists of Boston.

The reader will here perceive what a concatenation of causes, from the overthrow of Cromwell's government to the close of the late war, has tended to impress an English character upon the people of Boston, and to imbue its dominant or Federal party with strong English partialities; and will therefore see how very naturally they are what innumerable

facts have proved them to be, the advocates of a **SPLENDID FEDERAL GOVERNMENT**, the converts to the doctrine that a simple and economical system is *inadequate to keeping the people in order*.

But while such are the prevailing doctrines of the Federal party of Boston, the reader may still doubt whether they have taken root among the agricultural population of Massachusetts. To remove his doubts, let him examine the political machinery of that State. He will find enough to excite alarm for the safety of her republican institutions, and to rouse the citizens of other States to strenuous exertions against the introduction of the same mischiefs among themselves. **BOSTON GOVERNS MASSACHUSETTS BY A SYSTEM OF CHARTERED MONOPOLIES.** That State contains more corporations, in proportion to its population, than any other in the Union; and since the adoption of its constitution in 1781, as much time has been expended by its Legislature in chartering these institutions, as in enacting general laws. It is a remarkable fact that the special laws of Massachusetts, or laws creating these monopolies, fill a greater number of volumes than the general laws, or the laws for the whole people; the former filling five large volumes, while the latter are contained in about three volumes of the same size. Here is a subject for the reflection of the legislator and political economist. A people boasting of their constitution and laws, and claiming to be eminently republican in origin, government, social condition, feeling and habits of thinking, have expended more time and money in a period of fifty years, in legislating for the few than the many! In erecting a monied aristocracy that is proof against all changes of public opinion, and replete with some of the great mischiefs which characterize the perpetuities of the old world, than in guarding the equal

rights of the whole, and fortifying the great principles of republican liberty!!

An aristocracy of corporations is much more controlling in its influences, and consequently much more dangerous to liberty, than a landed aristocracy supported by entailments. Of the latter description is the British nobility. In such an aristocracy, though its members are generally united by a sense of common interest, yet each of them is an isolated and independent individual, a single soul, a distinct mind, exercising a distinct and independent moral influence, and free to support any opinions or any cause that he may deem just or expedient. In such aristocracies, the quality of individual, personal distinctness and responsibility is as perfect as in democracies, and compensates, in some degree, for the evils inseparable from all privileged orders. As a proof of this, the British nobility have generally been divided on all great political questions, and their force and influence have been consequently diminished. They have never yet presented a solid array of votes upon any question. They have always been divided among the two great parties of Whigs and Tories, reformists and confederatives, which have existed since the days of James I. Many of them embraced the popular cause against Charles I.; most of them the same cause against James II.; they were divided upon the question of our revolutionary war, upon the high handed measures of the ministry against liberal opinions during the French revolution, and are now divided upon the great question of reform. It can hardly be said that they have always been united upon questions directly involving the existence of their order. Many of the sagacious noblemen that opposed Charles I., must have foreseen the republican tendency of that opposition; and it would be doing great injustice to the powerful and comprehensive

minds which now, in both branches of the British legislature, support the cause of reform, to suppose them blind to the inevitable results of this great movement. The march of political reform in Europe is onward and rapid; the moral influence of the United States of America is mighty and increasing; nobility has been abolished in France, and that great and enlightened country will finish with republicanism; the freedom of Portugal is achieved, and her regeneration begun; Spain has burst her chains, is now struggling with those who would renew them, and will finally conquer. Italy yet sleeps, but is gathering strength in her slumber for the inevitable conflict; poor Poland lies crushed and bleeding, but is not annihilated; despotism is quietly laying down its arms in sober and philosophic Germany, and will finally yield to persuasion from dread of force. Amid the rolling of these mighty waters, can Britain remain stationary? She cannot! She is destined to republicanism! William IV, who, in the ordinary course of nature, cannot live long, is the last King that the present generation will see upon the British throne; and all the efforts of the conservative party can merely postpone for a short season, but cannot avert this destiny. The reforming nobility see it all, see the rapidly approaching destruction of their order, and —— lend their hands to the work.

Here are signal proofs of that individual independence, that consciousness of individual responsibility, which governs a body of hereditary nobility in constitutional governments.

Family pride, looking retrospectively in old houses and prospectively in new, is another source of individual independence among hereditary nobles, which, like that last mentioned, tends to alleviate the mischiefs inseparable from privileged orders. In such a monarchy as that of Great Britain, it is no subject of

boast to be merely the representative of a house that has been distinguished for eminent talents or eminent public services, unless the representative can show his own capacity for sustaining its reputation. The imbecile descendant of distinguished ancestors exhibits his own weakness in bolder relief, by the contrast between them and himself. Public opinion requires that he should stand upon his own merits, and that, in proportion to those of his ancestors, should he exert himself to sustain the reputation of his race. So the first of a new house must not be content with transmitting to his posterity the negative merit of a title. This, in England, would be considered no great legacy. He must transmit a distinguished name. Here then are incentives to exertion that tends to produce great men among a body of nobility, and mitigate, in some degree, the evils to the body politic with which nobility is always allied. It is not here implied that all the British nobility are governed by these motives. The exceptions are and always have been numerous. Nevertheless the sentiment is common among them, and has contributed greatly to that individual independence by which they have long been characterized.

Besides the moral individuality, the distinct and independent influence of each member of the British nobility, which prevents the order from always moving in unbroken phalanx upon every great political question, its wealth consists principally in land. Indeed it must have a landed foundation, for no other species of property is sufficiently permanent in its nature, to support a privileged order of which each member is a distinct and independent individual, and holds his possessions independently of his associates. The influence of this property in commercial states is known to be far less than that of what is called *money*. Though the source and foundation, it is not

the representative of property. A million of acres of cultivated land, whether in the hands of few or many, and producing annually the value of a hundred millions of dollars, has not, in a commercial State, the moral power of a fourth part of the sum in money, wielded by a fourth part of the number of possessors or directors. Bribery, direct or indirect, can seldom be made in land or its produce; for concealment, so necessary in such transactions in countries where public opinion governs, is always difficult and generally impracticable. A land holder may dismiss a tenant for a refractory vote; but the measure is too odious, savoring too much of oppression, to become common under elective institutions.

An aristocracy of corporations has none of the redeeming features which belong to a body of nobility. To use a phrase of English and American jurisprudence, *a corporation has no soul*. In this very attribute consists the difference between a corporation and a landed aristocracy. It has no soul, because it has no personal existence. It is indeed an association of natural persons, but in which the individuality, the separate, independent existence of each, in whatever regards the association, is completely annihilated. The association acts only by the united will of a majority, and consequently the individual mind of each member is extinct, and individual responsibility is unknown. This majority is not generally a majority of the associates, but merely of its governors or directors, who are a small minority of the former. Thus may the minds of thousands, and their wealth, amounting to millions, be wielded by some half dozen individuals, to purposes of which these thousands do not perceive the character or consequences, and which, as independent individuals, they would not support. For the proceedings of a corporation, none of its members are responsible. Be the proceedings never so odious, the answer is that the

corporation has no soul, and cannot be called to account unless its chartered powers be exceeded. The members cannot be called to account separately ; for they, acting by their directors, had no concern in the proceeding. Neither can the directors suffer ; for they act solely for the interest of the corporation whose servants they are, without regard to individual interest, and if guilty at all, no one of them is more so than another. Under pretences like these, individual responsibility is totally extinguished in the action of corporations. A monied corporation is created for one purpose only, the acquisition and retention of property. This being its only object of pursuit, it is exempt from all those incentives to patriotic exertion which may prevail among a body of nobility. A corporation can acquire no reputation for great actions. It is limited by its charter to a certain routine. It cannot, without the consent of a majority of the associates, disburse a dollar of its wealth in works of charity or patriotism ; and as in such cases, the praise of such deeds would belong to nobody they will not be of frequent occurrence. In short, in all the legal actions of a corporation, its members can neither gain nor lose reputation, and are therefore exempt from fear of doing wrong or incentives to do right.

The acquisition of wealth being the only object of a monied corporation, every member of the association has a direct pecuniary interest in all political measures that may promote this object, or prolong the chartered right to pursue it. Whoever asks of a legislature a charter, will naturally ask for as much capital, and for as long a term, as she has any hope of obtaining ; and when the end of the term approaches, every member of the association is directly interested in seeking a renewal. Nor is this all. Should a charter, or the renewal of a charter be sought, every member of the corporation, whatever be his opinions

on all other questions, is directly interested in the election of a legislature that will grant or renew such charter; and all the members of all other corporations, having an interest in the same question, more or less remote according to the dates of their several charters, will make a common cause with the first. In all these movements, individual opinion is extinguished, and individual independence annihilated. Direct pecuniary interest overpowers other considerations, the majority of voters move in one direction in corporate masses, states may be bought and sold like merchandize, and no body being responsible, nobody can be censured.

Such being the points of difference between a landed aristocracy and an aristocracy of corporations, it must be obvious that the former, however replete with evils, is less to be dreaded in a constitutional government than the latter. An enlightened citizen of Massachusetts, late a member of Congress, has beautifully and philosophically said that "associated wealth is the dynasty of modern states." It behoves modern states, especially the republics of the United States, to take care lest this dynasty become more tyrannical than the Stuarts or Bourbons, and more difficult to overthrow.

The aristocracies of Massachusetts are corporations, and the votes which they directly or indirectly control, are very numerous. Every stockholder has a direct pecuniary interest at stake, and will vote for those who will support it. Besides these, every corporation has its officers and servants, dependent upon their salaries for bread; and the amount paid in salaries to officers of corporations in the city of Boston alone, is near one million of dollars, and throughout the interior, near as much more. Besides, the corporations distributed throughout the State are either owned by Bostonians, or directly or indirectly

influenced by the capitalists of that city. What an army of disciplined troops is thus arrayed in support of monopolies! One class of these monopolies, the great manufacturing corporations, is of particular mischievous tendency. During the late war, the manufacturing interest, protected by a system of legislation of which the immediate object was the prosecution of the contest, became very flourishing. Large sums of money were invested in various branches, and the Northern and Middle States were filled with small establishments, owned by single individuals or small private companies. This was the system adapted to the wants, the condition and the institutions of the country; and had it been duly protected, the mischiefs which begin to threaten it in the shape of monopolies would have been averted. But all these were swept away by the unfortunate tariff of 1816, and have since been substituted in Massachusetts by great corporations, fostered by the tariffs of 1824 and 1828. In these establishments a few opulent individuals control the minds and votes of thousands.

But besides these, Massachusetts contains a corporation, which, for the power of doing harm in political action, is exceeded, or even equalled by none in the United States. The National Bank, with its great resources, is a pigmy in political strength within the commercial state of Massachusetts, compared with this giant corporation. It is called the "Life Insurance Company," is owned principally or exclusively in Boston, is endowed with a perpetual charter, and with the power of holding real estate without limit. Its funds are mostly invested in mortgages, and increase rapidly in amount. From its great capital, and the peculiar manner in which it is invested, this corporation must have great credit, and can therefore borrow money in Europe at a low rate of interest, to be invested in mortgage at a higher rate

in the United States. In England, Holland, and some of the commercial districts of Germany, capital is abundant, and the rate of interest as low as three, and even two per centum. Besides this, the political state of Europe is unsettled, and property becoming less secure. This condition of things offers to European capitalists peculiar inducements to invest funds in the United States, where, from the rapid progress of improvement, the rate of interest is higher, and whose institutions give promise of stability. The legal rate of interest in Massachusetts being six per centum, this giant corporation, besides employing its own funds, can borrow largely in Europe at two and three per centum, and loan to the yeomanry of that state at six ; and the more it borrows and securely invests in this manner, the greater will be its credit, and consequently the greater its means of borrowing and investing. If then this corporation have the power of wielding sums without limit, what political economist can be blind to the result ? Who does not foresee that it will eventually swallow up the estates of the landholders of Massachusetts, and thus control the politics of that state ? Nor will the mischief be confined to Massachusetts ; for if able thus to multiply its funds indefinitely, what shall prevent this colossus from putting its foot upon the necks of other States ? A capital of \$2,000,000 invested at six per centum, affords an annual increase of \$120,000, which, after deducting all expenses and losses, which will not ordinarily exceed \$10,000, will leave an annual sum of \$110,000 to be invested in new loans. The average value of estates among the yeomanry of New England, does not exceed \$5000, and whoever knows much of their general condition and character, will admit that a mortgage of \$2000 upon each of their estates would be a heavy burden upon the profits of their agriculture, and an awkward stumbling

block to their moral independence. In this ratio of increase to its funds, without additional borrowing, supposing the present amount now invested to be \$2,000,000, this corporation has the power of annually drawing within its grasp 55 estates, and 55 legal voters. How long will the political independence of Massachusetts be proof against this mighty and growing destroyer? Other States may exclude it from their territory by legislative enactments, but no legal or constitutional power can liberate Massachusetts from its grasp.

This corporation is sufficient to subject the politics of Massachusetts to the city of Boston; and when the reader contemplates this, as well as the host of auxiliary corporations before mentioned or alluded to, he will no longer wonder at the declaration that Boston governs Massachusetts, and will perceive that if a national debt and a splendid and expensive Federal Government find favor with the leading politicians of the city, they will be acceptable to the dominant party throughout the State.

About internal improvements, a diversity of opinion exists among professed Democrats in all the Middle and Western States; but about the expediency or even constitutionality of a national bank, the case is believed to be different. But few Democrats, it is believed, can now be found in any of the States, who are not converts to the Southern doctrine upon this subject; who do not believe that the *necessity* of such institution to the treasury can alone bring it within the spirit of the constitution, and that such necessity has not yet been proved. But the New England party is in the field for the very purpose of perpetuating this institution, and their candidate, being expressly committed upon this question, would be compelled to lend all his strength to promote the views of his party.

With these wide, these essential differences about principles and measures, can the Northern and Southern portions of the "Whig" party harmonize in electing a president? The Southern portion will not, cannot support the Northern candidate. Already is a distinguished citizen of Tennessee publicly alluded to, as capable of uniting all the elements of opposition to the present administration which exist in the Southern states. The Southern "Whig" party has the alternative of joining with the Northern in supporting the Federal candidate of Massachusetts, or of supporting its Southern candidate in the hope of succeeding in the House of Representatives. This gives to the Northern portion of the "Whig" party a similar alternative, that of supporting the "Whig" candidate of Tennessee, or of adhering to its Northern candidate, in the hope of succeeding in the House. Each portion will hope to coerce its allies into abandoning their candidate and uniting with it to support its own. In this contest, which must yield? The Northern Federal portion will not, cannot yield, for such yielding would be a virtual cession of all for which they have contended, from the very commencement of the struggle that terminated in the election of the elder Adams. They contend for a local interest; they struggle for monopolies and chartered privileges, for systems of partial legislation in both State and Federal Governments, which shall directly tend to accumulate social and political power in their own hands. They struggle to create an aristocracy of chartered rights, as the most potent engine for building up an aristocracy of political power. They strive so far to warp the State and Federal legislation, as to pour into their hands, in perennial streams, the means of buying the liberties of our country. These purposes the Northern Federal party will not relinquish, and their candidate will continue to support them

with the same zeal and ability which he has always evinced for them, though in different modes and through different measures. The Northern Federalists, unable to abandon these views, will therefore strive to coerce their Southern allies into supporting the Northern candidate ; and if they cannot effect this coercion, will support him alone. They will endeavor to effect this coercion by speculating upon the opposition of the Southern "Whigs" to the present administration, believing that whatever objections the South may entertain against the candidate of Massachusetts, it will yield them to objections yet stronger against the candidate of the Democratic party. If this hope should not be fulfilled, they still expect, in a contest among three candidates, to carry the election into the House of Representatives ; and *there* they are not without hope of succeeding by the contrivances and expedients by which they partially succeeded in 1825. For such contrivances their means are ample, and against the use of them they would find in moral considerations but a feeble restraint.

The question is then fairly presented to the South by the Federal party of Massachusetts, or at least to such portion of the South as are opposed to the Democratic candidate, whether they will or will not be coerced into supporting the Federal candidate. Upon what ground does he challenge their approbation ? They all admit his talents to be of the highest order ; but who of them admits the soundness of his principles ? Do the Tazewells and Tylers and Leighs and Floyds of Virginia subscribe to his construction of the constitution, in his great speech in the Senate in 1830 ? To say nothing of the Calhouns, Haynes, M'Duffies and Prestons, do the Union party of South Carolina admit the high tariff policy of Massachusetts, a policy intended exclusively for the Boston manufactures, to be the most judicious policy for the Southern

States? Are any of them willing to renew the charter of the national bank, or to create a similar institution? The Northern politicians may suppose that the South would prefer the Federal to the Democratic candidate as the least of evils. But admitting the election of the latter to be an evil to the South, would not the election of the former be a greater? Supposing that Mr. Van Buren's policy would not be of a Southern character, that of Mr. Webster would necessarily be less so. Between the Northern and Southern extremes upon the subject of protective duties, the Middle States, and particularly New York, occupy a middle ground. On the subjects of the bank and internal improvements, New York harmonizes and Massachusetts conflicts with the South. On the broad ground of Democratic principles, Mr. Van Buren has been uniformly firm and consistent; Mr. Webster has never been upon this ground, and in opposing it, has been "to one thing constant never." But above all things, let every Southern opponent of Mr. Van Buren who acknowledges himself to have been a Democrat during the war, ask himself where was Mr. Webster in that stormy and gloomy period? Let him remember the financial embarrassments of the government, and the numerous disasters and defeats resulting from them; the millions that were expended and the blood that flowed, to retrieve misfortunes which, but for these embarrassments, would have never happened. Then let him remember the fountains whence these waters of bitterness flowed. The genius of Mr. Webster was mighty in these affairs, and to the powerful workings of that genius were the merchants and capitalists of Boston indebted for a system of financial operations, which had almost accomplished the ruin of the country. And after every Southern Democrat has refreshed his memory with these reminiscences, let him carry it to

New York at the same period, and behold Mr. Van Buren. Where and what was he *then*? In the Legislature of that State, himself a host in defending the cause of his suffering country! *His* genius was also active! His boundless fertility of invention, his untiring perseverance, were taxed to the utmost in averting the mischief threatened by the factious proceedings of Massachusetts. Can the Democrats of the South forget these things? They may find or think to find good reasons for opposing Mr. Van Buren as a candidate for the Presidency; but can they aid in the elevation of Mr. Webster?

Another portion of the "Whig" party is to be found in the West, and particularly in Kentucky and Ohio. Between this portion and the Federal party of Massachusetts, the gulf is almost as wide as that which separates the latter from the South. They agree about internal improvements and a national bank; but from no portion of the Union have the views of these States regarding protective duties met with more pertinacious opposition, than from the Federal party of Massachusetts. Kentucky is a mining, and both are agricultural States. The manufacture of iron is extensive in the first, and hemp is or will become one of its greatest agricultural staples. Wool and whiskey, both agricultural productions, are staples of the second. The manufacturing interest of Massachusetts consists of Boston merchants, of those very merchants who considered protecting duties unconstitutional while their funds were invested in commerce, and not only constitutional, but essential to the salvation of the country, after they had changed their investments from commerce to manufactures. And why this change of investment? Because protecting duties, the imposition of which they could not prevent, offered to them greater profits. It is their right and duty to enlarge their resources by all fair mea-

tures ; but it can hardly be deemed a fair measure thus to quote the constitution according to the varying complexion of their legers ; thus to make it, like a ship that carries any cargo, or is chartered to any body that will pay, the mere instrument of a mercantile speculation. The species of protection for which this mercantile manufacturing party have uniformly and strenuously contended, is a system of prohibitory duties upon the woollen and cotton fabrics of foreign countries, and a free importation of the raw materials for their own fabrics ; the exclusion of foreign ships from our ports, and the privilege of furnishing their own with foreign hemp, canvass and iron, imported by themselves. They would compel the landholders of Ohio to wear their cloths, but would not permit them to raise a pound of wool. They would require the exports of Kentucky to be sent abroad in American ships, but would not permit a Kentucky farmer to raise a ton of hemp, nor a Kentucky manufacturer to make a pound of iron. They clamor for protection—to their own interests, and seek those interests through the ruin of their neighbours. Have the sons of the West forgotten the opposition of New England to *every* protecting tariff ever discussed in Congress since 1815 ? Have they forgotten the opposition to Western interests made by New England in 1824, with Mr. Webster for its file leader ? Have they forgotten the Boston Federal project of the Harrisburgh convention ? Have they forgotten the contest in Congress about the tariff of 1828, when the Northern Federalists opposed protecting duties upon wool, hemp, iron, indigo and molasses ? Have they forgotten the stand made by Mr. Webster in the Senate, during this contest, against the proposed duty on hemp ? Have they forgotten a numerous and solemn meeting of the manufacturers of Boston in January, 1833, in which a proposition to aid the Middle and

Western States in procuring duties upon iron, salt, grain, wool, hemp and sugar, was unanimously and clamorously rejected? As this transaction plainly discloses the exclusive spirit which animates the manufacturing party of Boston, a history of it may be somewhat interesting to the people of the Middle and Western States. During the troubles in South Carolina, and a few weeks after the meeting in Boston at which Mr. Webster made a great effort in support of the President's proclamation, all friendly to American manufactures were invited to assemble at Faneuil Hall, for the purpose of expressing some decided opinion in favor of sustaining them. The invitation, which was published in nearly all the newspapers in Boston, was addressed to all political sects, whether Federal or Democratic, who were at all in favor of protecting duties. The meeting assembled on the 28th of January, 1833, and was sufficiently numerous to fill a hall capable of containing about five thousand persons; and of those assembled, not less than four thousand were decidedly in favor of the avowed objects of the meeting. The Federalists generally were there, the officers of the meeting were selected from that party, and its whole character and complexion were strongly Federal. The Chairman of the meeting was the present Lieutenant Governor of the State, and a Federalist of the straitest sect. After the meeting had been opened, several resolutions were offered, the substance of which was that no change in the tariff laws ought to be made, that would endanger the principle of protection, or compromise the interests of New England. After a member of the meeting had made a few remarks in support of these resolution, another member, a Democrat, arose and offered several resolutions, stating that they were in aid of the general objects of the meeting, and immediately sat down. The substance of these reso-

lutions, excepting the first, was that Congress and the Executive ought to be sustained, and would be sustained by the citizens composing that meeting, in all constitutional measures for suppressing insurrections and rebellions, and maintaining the laws of the Union, in the several states and territories. The first resolution was in the following words.

Resolved, That, while we deprecate any changes in the national legislation which may affect injuriously the manufacturing industry of New England, we offer our hearty concurrence in any modification of the existing laws that may promote the agricultural and manufacturing industry of the Middle and Western States, particularly in the making of iron and salt, and in the raising of grain, wool, hemp and sugar.

These resolutions were laid on the table, a step in the usual course, as a discussion was pending upon the resolutions first offered. After one or two members of the meeting had delivered their views upon the resolutions first offered, the person who offered the second rose to speak, not particularly upon the resolutions offered by himself, but upon the whole subject before the meeting. He was heard, not only with patience, but apparent approbation, till he uttered the following remarks.

“In a country like this, almost boundless in extent, and embracing almost every variety of soil, climate and production, and consequently presenting a great diversity of interests, all legislation must be the effect of compromise. No one section can obtain *all* that it wants; nor *any thing* that it wants, without conceding something to the others. We must then say to our brethren of the Middle and Western States, that we are ready to give them all the protection which they ask for their interests, provided they will aid us in sustaining ours.”

These remarks were received with a general shout of disapprobation, which was persisted in, notwith-

standing repeated calls to order by the chairman, till the speaker sat down. After two or three others of the meeting had addressed it, the resolution above recited was called up separately, and a member of the meeting who attempted to *oppose it*, was not permitted to proceed; so decided were those present against the propositions which it contained, that they would not permit them to be discussed. A motion to postpone it indefinitely was then carried by acclamation. The following facts prove that this opposition to the resolution proceeded from hostility to the interests of the Middle and Western States, and that cause only. 1st, When the person who offered this resolution first rose, and before he had time to read it or utter a word, he was received with loud and general tokens of approbation; 2d, This resolution was received in silence, those which accompanied it with shouts of approbation; 3d, The chairman of the meeting requested the mover to withdraw this particular resolution; 4th, The meeting heard the mover of it with apparent approbation, when speaking upon the whole subject before the meeting, until he uttered the foregoing remarks in favor of the Middle and Western States, and *then* he was not permitted to proceed; 5th, This resolution was indefinitely postponed by acclamation.

Here then was an opinion upon the interests of the Middle and Western States, distinctly expressed by the manufacturing interest of Boston; and this opinion was that—THEY WOULD HEAR NOTHING ABOUT THEM!!* Such then is the sympathy for Western

* This mode of preventing discussion, so utterly inconsistent with a fundamental principle of republicanism, freedom of speech and of debate, is very common with the Federal party of Boston, extraordinary as the fact may seem in other parts of our country. It is extraordinary that such a practice should prevail among a people who boast of their republican spirit, of the republican character of their institutions, and of their steady habits and love of order; and particularly extraordinary that it should prevail among a party who have always claim-

interests which has been evinced by the "Whig" party of Massachusetts! Such is the co-operation which the Middle and Western States are to expect from this party, should it again acquire any control over the Federal government. During the whole period of these contests for protection to manufactures, who stood by the sons of the West? More especially during the long and angry debate upon the tariff of 1828, which was eminently the hour of need to the West, who stood by them, too sagacious to be duped, too firm to be intimidated, too persevering to be wearied? New York! Yes! The great State of New York, with the exception of the city, firmly sustained the West in seeking protection to its great agricultural and manufacturing interests. But an-

ed superiority over its opponents, in talents, knowledge and "respectability." To this party it is confined; for while numerous instances may be cited of violent interruptions of Democratic meetings by Federalists, not one can be cited of similar proceedings among Democrats towards Federal meetings. An instance of such disorder occurred in the winter of 1834, which produced occurrences of a very ludicrous character. A Democratic meeting of those friendly to the national administration was held at Faneuil Hall, for the purpose of expressing their opinions upon the measures of the Executive towards the bank of the United States. As, from their frequent occurrence on former occasions, disorderly interruptions from the Federalists were anticipated on this, a numerous committee were appointed before the meeting assembled, to distribute themselves through the hall, and to mark with chalk, the backs of those detected in hissing, shouting, and other acts of disorderly interruption. The disorder being so great as to prevent the business of the meeting from proceeding, a motion was carried, that all rioters be requested to depart, and on their refusal, be forcibly ejected. They not complying with this request, the committee were ordered to eject them; which was immediately done, to the great wonder of the guilty by what means they had been detected. It was not till they had been collected in considerable numbers outside of the hall, that they discovered the secret in beholding the marks upon the backs of each other. Some who forcibly resisted were marked, not only with *chalked backs*, but with *black eyes* and *bloody noses*. The ejected were nearly all persons of *respectability*, in the Federal sense of the term; some being Federal lawyers, and many were Federal merchants; and it was certainly a singular spectacle to behold persons whose whole appearance indicated a knowledge of better things than disorderly interruptions of public meetings, marched through the crowd like convicts in the hands of police officers, literally turned out of doors, and as they pursued their way through the streets, exhibiting their backs marked like a flock of sheep.

other consideration applies with peculiar force to the West, especially to the States of Kentucky and Ohio. A large portion of the citizens of both remember the events of the late war. No States sent greater numbers to the field, and none suffered more severely. In Kentucky especially, almost every family was clad in mourning for a slaughtered relative. And while her best blood flowed in torrents beneath the tomahawk of the savage and the bayonet of his equally savage employer, how were those engaged who now offer Mr. Webster as the great champion of their principles? In devising and executing measures to paralyze the arm of the national government! In proclaiming that the enemies of the country, whose outrages drove it into the contest, had done it no essential injury! In proclaiming by official, legislative resolutions, that the war was wicked, and that it was unbecoming a moral and religious people to rejoice in its successes! In proclaiming through the press that all who furnished means for prosecuting it should be accounted *infamous*! In publicly expressing hopes that all engaged in it as soldiers might perish! And what was Mr. Webster's part in these proceedings? Most gladly would his partizans draw the veil of oblivion over it! But it is written in the records of the times, and cannot be forgotten! The shades of the slaughtered sons of Kentucky and Ohio yet rise up before their children and surviving relatives, and like the ghost of Hamlet, exclaim—REMEMBER.

But it may be urged that, if the election of Mr. Webster would restore the influence of the Federal party of Massachusetts to the administration of the executive department of the government, this party cannot affect the policy of the country. That, they will say, must depend upon legislative, and not executive action, and no President can exercise a general influence over the former. But the history of our

government does not support this conclusion. On the contrary, it shows that the influence of the Executive upon public policy is controlling. Every President, excepting General Washington, has been the ostensible head of a party, and owed his election to some great party principles. This, in a representative government, is not only necessary, but useful; necessary, because all men cannot think alike, and useful, because it tends to keep first principles continually in sight. Ambition being a natural and common sentiment, the few are always endeavoring to encroach upon the many; and the history of man shows, and will continue to show, a perpetual struggle between governors and governed, the one to acquire, the other to retain. Parties, therefore, must and ought to exist, and it is only when they degenerate into factions, and trample upon first principles, that they become dangerous.

A President of the United States must then be the chief of a party, and this without being less the chief executive of the nation, or less disposed to promote the welfare of the whole. Upon their own views of public welfare have his party elected him, and have selected him from among all others, because they confided in his ability and zeal in carrying their great party principles into operation. In such contests, the object of the great body of a party must necessarily be public welfare. They have no private ends, they do not seek office, and cannot expect that the government will be administered to promote their interests as individuals, distinct from the interest of all. They always *mean right*, and whenever they *do wrong*, the error is in judgment and not intention. They merely seek protection of their right to mind their own business. With these views, and with that confidence in their chief which led them to select him, they will generally afford him zealous support in all

measures of public policy recommended or adopted by him. Nor is this support afforded by the people only. As are the politics of the President, so will be those of every Senator or Representative in Congress elected by the same party. They are all representatives of one cause, servants of one people; and whatever course shall be pursued by the President conformable to the great principles upon which he was elected, will generally be sustained by the great majority of his party, both in and out of office. The influence of John Adams, not a personal but a political influence, carried his party to the support of the Alien and Sedition laws, and the war with France; that of Jefferson to the Judiciary bill, the purchase of Louisiana, and the Embargo; that of Madison to the war with Great Britain; that of Jackson has overthrown the Bank. In short, the political influence of the President, if faithful to the principles upon which he was elected, is controlling, and will carry along with him the great majority of his party.

In the United States, two parties have always existed and always will; democrats and aristocrats, those who believe that society requires few restraints, and those who believe that it requires many. Of the latter are the old Federal party of Massachusetts, and their candidate for the Presidency is Mr. Webster. As already shown, he is fast bound by the manacles of the aristocratic spirits who lead this party, and should he be elected, will restore their power and influence. He would indeed be the nominal chief of the party, and as such, carry along with him all its troops and regimental officers. But he would be under the command of the aristocratic and aspiring few who have always directed the politics of Massachusetts, and they, in his name, would prescribe the general course of his administration.

If then the Democracy of the Union is unwilling to

aid in the restoration of Massachusetts Federalism, how will it avert such catastrophe? It cannot by blind confidence in its own strength, or by lightly estimating that of its foe. The strength of the "Whig" party is too formidable to be justly contemned. It is doubtless inferior to the Democratic party in numerical force, but superior in zeal, discipline and other resources. One point of its superiority is cunning. The Democratic party, with a generous confidence in the justice of its cause, and in the appearances and indications of despondency which have lately been manifested among the "Whigs," rely upon victory as already achieved. A consequence of this will be, not the defection, but the neglect of large bodies at the polls, erroneously conceiving that in the plenitude of its strength, the party will not require their votes. No delusion could be more fraught with danger, and no delusion could the "Whig" party be more solicitous to encourage. In this delusion is their main hope of victory. Should the Democratic party rise in its might, and discharge its duty as one man, its numerical superiority, of which no reasonable doubt can be, or is entertained, even by its opponents, would secure a triumph. But should it, indulging in false security, omit any exertions, the "Whigs," thoroughly disciplined and guided by skilful commanders, would steal by stratagem what they could not win in fair battle, and the Democratic party would wake from its delusion with the mortifying reflection, that, with superior force, it had been beaten by superior skill.

The "Whigs" perfectly understood the advantages to be gained by this delusion, and will therefore propagate it industriously. Their journals do not openly declare a surrender, for this would be an experiment upon the credulity of the Democratic party that would inevitably fail. It would at once excite a general

suspicion of stratagem, and rouse that very vigilance which they are endeavoring to allay. But in oral communications, in the casual intercourse of society, the opinion will be industriously circulated that the "Whigs," despairing of success, will probably make no very strenuous efforts; that they will indeed make a demonstration of supporting their candidates, for the purpose of preserving the organization of their party for a more auspicious period; but that their troops will not be generally brought into the field, and that they regard the contest as already decided against them. In the mean time, their arrangements are perfect, their discipline complete, and every man of their troops will have his orders, and will promptly obey them.

The "Whigs" have been defeated in some States where they were almost sure of victory; particularly in Connecticut and Virginia. In the latter, a victory was deemed highly important, because it would serve as a decisive indication, a test of political sentiment among the Southern States, and thus by showing that the Democratic party was defeated in its hitherto strong hold, the South, would carry dismay among its ranks in the North and West. Great exertions were therefore made. The Democrats met them with corresponding zeal, and *barely* achieved a victory. The result proves that the Democratic party is indeed the strongest in Virginia, but not strong enough to dispense with the aid of any portion of its adherents. It can conquer only by faithfully performing its duty. Warned by these and other recent indications, the "Whigs" will resort to stratagem. They will make a point of surrendering, but will be thoroughly prepared for a combined and vigorous effort.

The Democratic party should not then derive too much confidence from recent successes; should not

indulge in any careless belief of its invincibility. Those who, flushed with repeated victories, imbibe the belief that they cannot be beaten, and therefore relax in the very discipline, the very efforts by which those victories were obtained, are not far from defeat; and of all defeats, the most mortifying are those which are induced by neglect of the exertions that would have insured a triumph.

The great battle is yet to be fought. The enemy of Democracy, alike formidable in numbers, skill, pertinacity and "the sinews of war," is in the field; and with that ready versatility, that ingenious adaptation of means to circumstances which characterize all its movements, will fight openly or in ambuscade, as either mode affords the best assurance of success. The Democratic party is the strongest and *can* prevail, but only **BY THE DETERMINATION OF EVERY DEMOCRAT TO DO HIS DUTY.**

APPENDIX.

A.

U. S. Schooner Ariel, Put-in-Bay, 13th September, 1813.

SIR,—In my last I informed you, that we had captured the enemy's fleet on this lake. I have now the honor to give you the most important particulars of the action. On the morning of the 10th inst. at sun-rise, they were discovered from Put-in-Bay, where I lay at anchor with the squadron under my command. We got under weigh, the wind light at S. W. and stood for them. At 10 A. M. the wind hauled to S. E. and brought us to windward; formed the line and brought up. At 15 minutes before 12, the enemy commenced firing; at 5 minutes before 12, the action commenced on our part. Finding their fire very destructive, owing to their long guns, and its being mostly directed to the Lawrence, I made sail, and directed the other vessels to follow, for the purpose of closing with the enemy. Every brace and bow line being shot away, she became unmanageable, notwithstanding the great exertions of the Sailing Master. In this situation she sustained the action upwards of two hours, within cannister shot distance, until every gun was rendered useless, and a greater part of the crew either killed or wounded. Finding she could no longer annoy the enemy, I left her in charge of Lt. Yarnall, who, I was convinced, from the bravery already displayed by him, would do what would comport with the honor of the flag. At half past 2, the wind springing up, Captain Elliott was enabled to bring his vessel, the Niagara, gallantly into close action; I immediately went on board of her, when he anticipated my wish by volunteering to bring the schooners, which had been kept astern by the lightness of the wind, into close action. It was with unspeakable pain that I saw, soon after I got on board the Niagara, the flag of the Lawrence come down, although I was perfectly sensible that she had been defended to the last, and that to have continued to make a show of resistance would have been a wanton sacrifice of the remains of her brave crew. But the enemy was not able to take possession of her, and circumstances soon permitted her flag again to be hoisted. At 45 minutes past two, the signal was made for "close action." The Niagara being very little injured, I determined to pass through the enemy's line, bore up and pass ahead of their two ships and a brig, giving a raking fire to them from the starboard guns and to a large schooner and sloop, from the larboard side, at half pistol shot distance. The smaller vessels at this time having got within grape and cannister distance, under the direction of Capt. Elliott, and keeping up a well directed fire, the two ships, a brig, and a schooner surrendered, a schooner and sloop making a vain attempt to escape.

Those officers and men who were immediately under my observation evinced the greatest gallantry, and I have no doubt that all others conducted themselves as became American officers and seamen. Lieut. Yarnall, first of the *Lawrence*, although several times wounded, refused to quit the deck. Midshipman Forrest, (doing duty as lieutenant) and Sailing Master Taylor were of great assistance to me. I have great pain in stating to you the death of Lieut. Brooke of the *marines*, and Midshipman Laub, both of the *Lawrence*, and Midshipman John Clark, of the *Scorpion*; they were valuable officers. Mr. Hambleton, Purser, who volunteered his services on deck, was severely wounded late in the action. Midshipman Claxton and Swartwout, of the *Lawrence*, were severely wounded. On board the *Niagara*, Lieuts. Smith and Edwards, and Midshipman Webster, (doing duty as Sailing Master,) behaved in a very handsome manner. Capt. Brevoort, of the army, who acted as a volunteer in the capacity of a marine officer on board that vessel, is an excellent and brave officer, and with his musketry, did great execution. Lieut. Turner, commanding the *Caledonia*, brought that vessel into action in the most able manner, and is an officer that in all situations may be relied upon. The *Ariel*, Lieut. Packet, and *Scorpion*, Sailing Master Champlin, were enabled to get early into the action, and were of great service. Capt. Elliott speaks in the highest terms of Mr. Magrath, Purser, who had been despatched in a boat on service, previous to my getting on board the *Niagara*; and, being a seaman, since the action has rendered essential service in taking charge of one of the prizes. Of Capt. Elliott, already so well known to the government, it would be almost superfluous to speak. In this action he evinced his characteristic bravery and judgment, and since the close of the action, has given me the most able and essential assistance.

I have the honour to enclose you a return of the killed and wounded, together with a statement of the relative force of the squadrons. The Capt. and First Lieut. of the *Queen Charlotte*, and First Lieut. of the *Detroit*, were killed. Capt. Barclay, senior officer, and the commander of the *Lady Prevost*, severely wounded. Their loss in killed and wounded, I have not yet been able to ascertain; it must, however, have been very great.

Very respectfully, I have the honor to be,

Sir, your obedient servant,

The HON. WM. JONES,
Secretary of the Navy.

O. H. PERRY.

B.—1.

UNITED STATES' SLOOP *ONTARIO*, *New York*, 16th April. 1815.

Sir,—In a conversation with some of the officers of the service, I am informed that in consequence of an opinion formed by a Court of Inquiry on the loss of the British fleet on Lake Erie, on the 10th Sept. 1834, my vessel, the *Niagara*, is reflected on by some who are inimical to our service, I wish it understood that early after the action, I applied to the Navy Department for an investigation into the facts of the action. It was not granted. Justice to myself, friends, and the service I have the honor to belong to, compels me to ask that the Court at present inquiring into the losses of the *President*, *Frolic*, and *Rattlesnake*, may be instructed to inform the country of the part I bore in the action of the 10th Sept. 1813, and whether or not, did the *Niagara* attempt to make her escape from the enemy (as stated by the British court.) A

large number of the officers who were on board the fleet, are at present in this squadron; the investigation will require but a day or two, and I presume will not delay the sailing of the squadron.

I have the honor to be, with great respect, Sir, your obedient servant,
J. D. ELLIOTT.

B.—2.

Navy Department, April, 1815.

Sir,—The Court of Inquiry, now sitting at New-York, is ordered to proceed immediately, to the investigation requested by your letter of the 16th inst.

I am, very respectfully, your obedient servant,

B. W. CROWNINSHIELD.

Capt. Jesse D. Elliott, Sloop Ontario, New-York.

B.—3.

Navy Department, April 20th, 1815.

Sir,—It has been stated to this Department, that by the proceedings of a Court of Inquiry in Great Britain, ordered to investigate the causes of the loss of the British fleet on Lake Erie, on the 10th of September, 1813, the conduct of Capt. Jesse D. Elliott, of the United States' Navy, who commanded the brig Niagara on that day, is *misrepresented*.—Justice to the reputation of Capt. Elliott, and to the Navy of the United States, requires that a true statement of the facts in relation to his conduct on that occasion be exhibited to the world. The Court, therefore, of which you are president, will immediately proceed to inquire into the same, to ascertain the part he sustained in the action of that day, and report its opinion thereon to this Department.

I am, respectfully, your obedient servant,

B. W. CROWNINSHIELD.

Com. ALEXANDER MURRAY, New-York.

B.—4.

APRIL 24th, 1815. *The Court met in pursuance of the foregoing Orders.*

PRESENT.

Com. MURRAY, President.

HENRY WHEATON, Judge Advocate.

Capt. Evans,

Lt. Com't. ROGERS.

} Members.

The Court being duly sworn, (together with the Judge Advocate) proceeded to inquire into the facts relative to the conduct of Capt. Elliott in the action of the 10th Sept. 1813, on Lake Erie.

Lieut. Nelson Webster, late Sailing Master of the Niagara, was sworn.

Question by the Court.—Having seen and read, Capt. Perry's official account of the action of the 10th Sept. 1813, on Lake Erie, please to state whether it contains a correct statement of facts?

Answer. I believe it does.

Question. By the Judge Advocate—What further do you know respecting the subject matter of this inquiry?

Answer. Just at daylight, on the 10th Sept. 1813, we were in Put-in-Bay, and discovered the enemy's fleet. A signal was made by Capt. Perry, and we immediately got under weigh, and beat out of the bay—

the wind a-head. After we got out, the wind being light; it shifted, which gave us the weather-gage. We made sail in pursuit, and a signal was made for each vessel to take its station. The Lawrence led the van, the Caledonia next, and then the Niagara, in close order. The small vessels were a-stern. The enemy commenced the fire upon the headmost vessel at 15 m. before noon, which the Lawrence returned at about noon, at the distance of one mile and a half from the enemy. Capt. Elliott directed me to commence from my division with a long 12. Soon after, we fired one or two broadsides from the carronades. Capt. Elliott directed us to cease firing the carronades, as the shot fell short, and to continue firing the long gun. The enemy were principally directing their fire, at this moment, against the Lawrence. We were using every exertion to get down. The wind was light. It was at half past 12, that we commenced firing our carronades, at long gun-shot distance, and we being to windward, were continually nearing the enemy. We continued the action with light winds, continually bearing down in our station, until about 2 o'clock; when the Lawrence was disabled. Previous to that, Capt. Elliott directed the Caledonia to bear up and give him room to close with the Lawrence. The Caledonia dropped to the leeward of us, and the Lawrence dropped out of the line, nearly at one and the same time. The wind sprang up, and Capt. Elliott made sail to close with the headmost ship. After we got into close action, I was knocked down, and carried below. When I came on deck again, I found Capt. Perry on board. Captain Elliott was in the gun boats, and the action still continuing. In about 25 minutes afterwards the enemy struck.

Question by the Court. What was the force of our squadron, as to size of vessels, description, number of guns, and men?

A. It consisted of the brig Lawrence of 20 guns, eighteen 32 pound carronades, and two long 12's; the brig Niagara of 20 guns of the same description and about 150 men, of which not more than 120 were fit for duty—she was not well manned, as she had 25 militia men and about 30 soldiers, and a great number of blacks, only one of whom was a seaman; the brig Caledonia of 3 guns, long 12's or 18's; the schooner Somers of two guns; schooner Ariel of three guns, one of which burst in the action—I do not remember the Scorpion's force; the schooner Tigress of one gun, a long 32 pounder: the Porcupine and Trippe, same. I did not consider the vessels so well manned as our vessels generally are on the ocean.

Q. What was the enemy's force?

A. In close action they were not superior to us, in my opinion; but from the lightness of the wind, the situation of the fleets, and the enemy's having long guns, I considered them superior.

Q. Did the enemy's vessels appear to be as badly manned as represented to the British Court Martial before whom Capt. Barclay was tried?

A. The statement given before that court, I consider to be false. I infer it from the appearance of the Detroit after the action. I saw 60 wounded men on board her which I believe to have been seamen. I believe the enemy had more than the number of British seamen stated.

Q. What command had Capt. Elliott in the action?

A. He had command of the Niagara.

Q. Did he do all in his power to gain a nearer position? and when Capt. Perry went on board of the Niagara, did you see any thing in Capt. Elliott's conduct that indicated an intention on his part to make sail from the enemy.

A. He did all in his power to gain a nearer position. I never ob-

served any intention on his part to make sail from the enemy; on the contrary, I noted in him a disposition to get in as close action as possible.

Q. Do you believe that Capt. Elliott did every thing that a brave and meritorious officer should have done, in the action?

A. Yes.

Q. Have you heard any officer make any remarks derogatory to his character or conduct on the 10th of Sept.?

A. No.

Q. by Captain Elliott—Did the Niagara at any time, during the action, attempt to make off from the British fleet?

A. No.

Q. What was the distance from the Lawrence to the Niagara, when the firing commenced from the enemy?

A. There was the intervening space of the Caledonia, the three vessels being in close order.

Q. What was the situation of both fleets when the action commenced on our part? and what time did I order the Caledonia out of the line? and how soon afterwards did I place my vessel a-head of the Lawrence? and what appeared to be the situation of the British fleet?

A. We were in a line a-head, endeavoring to get down upon the enemy as fast as possible, abaft the enemy's beam, with the wind nearly a-beam. It was a little after the middle of the action that the Caledonia was ordered out of the line. The Lawrence was dropping astern, and we shooting a-head. We had got into pretty close action before I went below. The British fleet was in close order, and I think had no spars shot away.

Q. Was not my helm up, and the Niagara standing directly for the enemy's fleet, when Capt. Perry came on board?

A. I was below and cannot say.

Q. What was the situation of the gun boats when I left the Niagara, and how were they disposed of when I reached the head of the enemy's line with them?

A. Just before I went below, they were a long way a-stern. When I came on deck, I observed the gun boat Capt. Elliott was in had got nearly to the head of the enemy's line; and he was in very close action, directing the fire of the boats at the enemy's ships.

Q. How did the Lawrence bear of the Niagara when Capt. Perry came on board, and what distance was she from the Niagara?

A. I was not on deck, and before I went below, the Lawrence was rather on our leeward quarter.

B.—5.

Lieut. YARNALL, late first Lieutenant of the Lawrence, was sworn.

Q. Does Captain Perry's official account of the action of the 10th September contain a correct statement of the facts?

A. I think generally as to what I could see it is correct, except as to the statement in page 2d, line 12th, of the Niagara being brought into close action. I believe the Niagara was three quarters of a mile astern of the Lawrence; and when she passed us to the windward at the time Com. Perry took possession of her, she was half a mile off our weather bow. This was about 2 hours and 48 minutes after the action commenced; I expressed my surprise to Capt. Perry on observing the Niagara in that situation, and after the Lawrence was disabled, he left her in my possession and went on board the Niagara.

Q. What further do you know relative to the subject of this inquiry?

A. In the morning of the 10th Sept. we discovered the enemy's squadron and got under weigh; stood out past the Islands. The wind veered, and became favorable soon after we passed one of the Islands. Within about three miles of the enemy, Capt. Elliott, in the Niagara, bore down and spoke Capt. Perry. Capt. Elliott fell into line next to the Caledonia. The Detroit commenced the action by firing a long 24 pounder. Capt. Perry directed me to hail the Scorpion, for the purpose of engaging the enemy, and at the same time to commence our fire with a 12 pounder on the forecastle. A few minutes afterwards, we commenced a fire with the carronades. It having been inquired of me whether they told or not, and I answering in the negative, Capt. Perry ordered the helm to be put up and bore down upon the enemy. The Caledonia and Scorpion engaged. We ran down and came within about half musket shot, exposed to the whole of the enemy's fire at first, and afterwards to four of his vessels, the Chipeway, Detroit, Hunter, and Queen Charlotte. We lay opposite the Hunter, and the Queen Charlotte was a-stern of the Hunter. Our first division was fought against the Detroit, the second against the Queen Charlotte, and occasionally guns at the Hunter. At several periods during the contest, I expressed my surprise that the Niagara was not brought into close action. The crew also expressed their surprise, but were encouraged by the officers to fight on till she should come down and take a part with us. I observed the Niagara firing a distant fire, (I suppose three quarters of a mile off) at the enemy's small vessels, the Lady Prevost and others. It was two hours and 48 minutes after the action commenced, that Com. Perry said to me, "I leave you to surrender the vessel to the enemy." At this time we could not fight a single gun. He left us. After he got into the boat, he observed that he would leave it discretionary with me, either to surrender or receive the enemy's fire. I called on Mr. Taylor, and Mr. Forrest, who were on deck, to know their opinion—they told me it was useless to sacrifice any more men, as we were unable to sustain the action any longer. The colors were consequently struck. Immediately on Com. Perry's arrival on board the Niagara, he made sail and bore down—broke the enemy's line, and the action was decided in about 15 or 20 minutes, except as to two of the enemy, which attempted to escape but were pursued.

Q. What was the force of our squadron?

A. The Lawrence and the Niagara of 20 guns each, eighteen 32 pound carronades, and two long 12's. The Caledonia had two or three guns on circles. The Ariel had 3, the Scorpion had 2 guns—one a 12, the other an 18 or 24 pounder. The rest one gun each. The Lawrence had 131 men and boys' of every description, of which 103 were fit for duty. The squadron had but few seamen—we had about 30 marines and some militia men.

Q. What command had Captain Elliott in the action?

A. He commanded the Niagara.

Q. How near was he to the enemy when the action commenced?

A. About a mile and a half, or two miles.

Q. Do you believe Captain Elliott did every thing a brave and meritorious officer should have done in the action?

A. I am under the belief that the Niagara could have been brought into closer action. The same wind which would bring the Lawrence into action would likewise bring the Niagara into action. The main-topsail of the Lawrence was laying to the mast, foresail hauled up,

and the top-gallant sail furled. I think the Niagara had her main-top-sail also to the mast, that is, while she was a-stern.

Q. by Capt. Elliott—Did the Niagara, at any time during the action, attempt to make off from the British fleet?

A. No.

Q. What was the distance from the Lawrence to the Niagara, when the firing commenced from the enemy?

A. A quarter of a mile.

Q. What was the situation of the gun boats when I left the Niagara, and how were they disposed of when I reached the head of the enemy's line with them?

A. The gun boats generally were a-stern and to windward. I saw Capt. Elliott on board one of them, and they were coming into action. They were very much scattered, but all bearing down into action.

Q. What was the established order of the battle, and is the sketch now shewn you a correct one?—(See page 446)

A. The sketch is correct.

Q. What were the observations of Lieuts. Turner and Holdup, when speaking to you of the action?

A. They expressed their disapprobation and surprise that the Niagara was not brought into action.

Q. When I was passing the Lawrence in the boat, did you not come to the gang-way, and ask me to bring the boat along side, as you were sinking?

A. No.

Q. Did you not on the return of the fleet to Erie, discovering that there was an altercation between Captains Perry and Elliott, meet Midshipman Page on the beach, and say to him that there was the deuce to pay about the action, but that as for your part, you had always given each of those officers an equal share of credit?

A. No. I do not recollect having any conversation with the young gentleman alluded to.

Q. How was the wind from the beginning to the end of the action?

A. I do not precisely recollect. I suppose a vessel might go two knots.

Q. by the Court—In the general surprise which you state was expressed, that the Niagara did not close faster into action, did you make any allowance for the lightness of the wind?

A. In my former answers I have made allowances for the wind and the existing state of things.

Q. Was there any difference in the force of the wind, from the commencement of the action until the time when Capt. Perry came on board the Niagara?

A. The wind freshened. About the time he left the Lawrence, there was more wind than there had been.

The Court adjourned to to-morrow morning at half past nine o'clock.

B.—4.

April 25th, 1815.

Lieut. WEBSTER was re-examined.

Question by the Judge Advocate—When was it that Capt. Elliott bore down to speak to Capt. Perry? and what passed?

A. At about 10 o'clock in the morning, Capt. Elliott called all hands aft, and requested Com. Perry to show his boys his flag, when Com. Perry hoisted a flag with the motto on it of *Don't give up the ship.*

Capt. Elliott told his crew to read it, and explained to them what was on the flag, and told them to swear within themselves that this flag should never come down, observing that these were the dying words of Lawrence.

Q. What was the established order of battle?

A. The original order of sailing was for the Niagara to lead the van. I afterwards learned that, in consequence of the enemy's forming differently from what was expected, we changed our order of battle, which brought us into the situation I stated yesterday.

Q. When was this change made, and how?

A. The signal which I saw was made after the Commodore's flag (above mentioned) was hoisted, I think. This was the first forming of the line.

Q. Is the sketch now shown you a correct view of the manner in which the line was formed?

A. It is.

Q. By Capt. Elliott—How far was the Caledonia from the Niagara, from the commencement of the enemy's fire until I ordered her out of the line?

A. She was as close as she could be with safety, and I recollect once backing the topsail to prevent running into her.

Q. By the Court—How long time elapsed between the Lawrence commencing the action, and the Niagara's engaging?

A. I should say 10 minutes.

Q. By Capt. Elliott—What was the distance from the Lawrence to the Niagara, from the commencement of the action until I ordered the Caledonia out of the line? and did not the enemy's shot take effect in a few minutes after the action began, upon the Niagara's spars and rigging?

A. At no time during that period were they more than 200 yards apart.—The enemy's shot took effect very soon, and shot away one of the fore-top-mast back-stays.

Q. Did not the enemy's fire appear to be directed at the Niagara's spars and rigging?

A. I think it was.

Q. What distance was I from the Lawrence when I passed her, gaining the head of the line?

A. It did not, in my opinion, exceed thirty yards.

Q. Just before you were wounded, what was the relative position of the Lawrence and Niagara?

A. The Lawrence was a little on our larboard or weather quarter. This placed us nearer the enemy than the Lawrence.

Q. What damage did the Niagara sustain in the action?

A. Our main-stay, fore-top-mast back-stays, a great deal of running rigging, and two shrouds of our fore-rigging, were shot away. Some of our spars were wounded. There were two men killed from my division, before I went below, and a number of men wounded on board.

Q. Was the Niagara, at any time during the action, from half to three quarters of a mile on the weather bow of the Lawrence after I ordered the Caledonia out of the line?

A. She was not. I wish also to correct my evidence of yesterday, by adding that the Ariel and the Scorpion were on the weather bow of the Lawrence.

Q. Did you observe the enemy's ship Queen Charlotte bear up and run away from the Niagara? and if so, when?

A. She did bear up from the Niagara's fire, in about half an hour after the Niagara commenced firing.

B.—6.

Mr. MONTGOMERY, Midshipman, late of the Niagara, was sworn.

Q. Where was your station on board ?

A. In the first division, commanded by Lieut. Edwards.

Q. Does Capt. Perry's official letter contain a correct statement of facts, as you know or believe ?

A. Yes.

Q. State what you know relative to the matter of this inquiry ?

A. In the commencement of the action, the Niagara took a position astern of the Caledonia, in close line, agreeable to a signal made by Com. Perry.—Capt. Elliott, observing that the enemy fired principally at the Lawrence, ordered Mr. Turner to keep away, so as to enable us to support the Commodore, by taking a position astern of the Lawrence. The Caledonia took her station astern of the Niagara, and continued there during the action. The lightness of the wind prevented our getting as close to the Lawrence as it was supposed we intended. Capt. Elliott, observing that the carronade shot fell short, ordered them to fire from the long guns only. When the Lawrence was disabled, a breeze sprung up ; we passed her in company with the Caledonia, to windward, at about 25 yards distance. The Caledonia was then astern of us. We took a position which brought the Lawrence nearly astern of us on the lee-quarter. Capt. Elliott ordered us to make sail, and we had boarded the fore-tack and were in the act of setting top-gallant sails, before Capt. Perry came on board. I observed him come over the weather gangway of the Lawrence, get into a boat and pass under the Niagara's stern. I went aft and reported it to Capt. Elliott, who was then standing on the taffrel. Capt. Elliott met Com. Perry at the weather gang-way, and shook hands with him. Some conversation passed which I did not hear. Capt. Elliott soon disappeared, and I did not see him afterwards till the end of the action. When Com. Perry came on board, we were firing all our star-board guns ; we bore down in company with the Caledonia, and directed our fire principally at the Detroit. The enemy's line was compact after the Lawrence struck. In about 15 minutes after Com. Perry came on board, the Detroit struck, and the Queen Charlotte a few minutes after. The Lady Prevost was then about 40 or 50 yards from the Niagara's lee-bow. The marines were ordered to discharge their muskets from our fore-castle, at the Lady Prevost. After the second discharge of musketry, she struck. I think the Hunter struck before Capt. Elliott left the brig.

Q. By the Court—Did Capt. Elliott do all in his power to gain a near position ?

A. Yes. We were bearing down upon the enemy before Capt. Perry came on board ; we had kept up an incessant fire from our carronades some time before Com. Perry came on board.

Q. Do you believe Capt. Elliott did every thing he ought in duty to do in the action, as a brave and meritorious officer ?

A. Yes ; and heard him express to the crew his intention of bringing us into as close action as possible.

Q. By Capt. Elliott—Did the Niagara, at any time during the action, attempt to make her escape from the British fleet ?

A. No.

Q. What was the distance from the Lawrence to the Niagara, when the enemy's fire commenced ? and what distance was the Lawrence, Caledonia, and Niagara, from the enemy's fleet ?

A. We were as close to the Caledonia as we could form the line. The distance between the Caledonia and the Lawrence I cannot state ;

the three vessels were not within carronade distance of the enemy, but at long gun-shot when the enemy's fire commenced.

Q. What was the distance from the Lawrence to the Niagara when we commenced our fire? and what distance was each of those vessels from the enemy's fleet?

A. The distance was at that time from 150 to 200 yards; the two vessels were at long gun-shot. The second or third shot fired from the enemy cut away two starboard fore-top-mast back-stays, and fell about thirty yards to windward of us.

Q. What was the distance from the Lawrence to the Caledonia, and from the Caledonia to the Niagara? and what distance was each of those vessels from the enemy's fleet, when I ordered the Caledonia to bear up and let me pass her?

A. The Lawrence was at that time 80 or 90 yards from the Caledonia, and the flying-gib-boom of the Niagara was nearly over the taffrel of the Caledonia. The three brigs were still at long gun-shot from the enemy.

Q. When I ordered the Caledonia to bear up, where did I place the Niagara? and where was she when Capt. Perry came on board?

A. Capt. Elliott placed his vessel astern of the Lawrence, and when Capt. Perry came on board, the Niagara was ahead of the Lawrence, standing down on the enemy. The Caledonia was ordered out of the line about 10 minutes after the commencement of the action, and we passed the Lawrence at half past 2 o'clock.

Q. When Capt. Perry came on board the Niagara, did he not find her helm up, and that vessel standing direct for the enemy's ship Detroit?

A. We were standing for the enemy, whose line was in compact order.

Q. What was the situation of the gun boats when I left the Niagara? and how were they disposed of when brought to the head of the enemy's line?

A. When Capt. Elliott left the Niagara, they were all astern of us. We had passed the Scorpion and Ariel. When Capt. Perry came on board, they were all astern, except that I do not recollect whether the Scorpion and Ariel were to windward or astern.

Q. When I hailed the gun boats, did I not order them to make sail and keep close under my stern?

A. I heard Capt. Elliott hail the Porcupine, and order her to take a position close under our stern, at the commencement of the action. The Scorpion was a-head, and the Ariel on the weather bow of the Lawrence.

Q. What was the established order of battle, and is the sketch now shown you a correct view of the situation of both fleets at the times stated?

A. In the commencement of the action, the Scorpion was the head-most vessel, the Lawrence next, and the Ariel on the weather bow of the Lawrence; the Niagara a-stern of the Caledonia. The two lines are correctly stated in the sketch, excepting that the enemy's schooner Chippewa took her position a-head of the Detroit after the commencement of the action, I presume in order to support the British Commodore, and to engage the small vessels at the head of our line.

Q. When Capt. Perry came on board the Niagara, was she half a mile on the weather bow of the Lawrence?

A. No. She was nearly a-head of the Lawrence, a little on the weather bow, perhaps 150 yards.

Q. Did the Lawrence and Caledonia, at any time in the action, bear

up, and leave the Niagara with her main-topsail a-back, or leave her on a wind?

A. Until the Caledonia changed her position, the Niagara was in close order with her. The Lawrence and Caledonia did not bear up, and leave the Niagara, as interrogated.

Q. By the Court—At what stage of the action did the Niagara get within musket shot of the enemy?

A. After the Lawrence was disabled.

Q. By Capt. Elliott—Did Capt. Elliott or Capt. Perry bring the Niagara into close action?

A. The Niagara had closed with the enemy some time before Capt. Perry came on board.

Q. Did not the wind die away almost to a calm when the action was pretty well on?

A. In a very short time after the commencement of the action, it died away, and it continued nearly calm until about the time the Lawrence was disabled.

Q. Did the enemy's ship Queen Charlotte bear up to avoid the Niagara's fire? and if so, at what time?

A. Yes; before the Lawrence was disabled, she bore up and ran foul of the Detroit, on that ship's lee quarter.

Q. By the Court—Did the Niagara bear down and speak Com. Perry before the action? and if so, what passed?

A. Capt. Elliott spoke Capt. Perry while we were passing to leeward.—Capt. Elliott mentioned to his crew that it was the Commodore's intention to bring the enemy to close action immediately. He told them it was probable we should receive one or two raking fires from the enemy, and advised them to receive it with coolness and not be alarmed. He observed that we should not commence firing until within musket shot distance, and then, if every man did his duty, we should flog them in ten minutes. He then ordered them to their quarters.

B.—7.

Mr. ADAMS, late Midshipman of the Niagara, was sworn.

Q. Do you believe Capt. Perry's official account to be correct?

A. I think it is.

Q. Did the Niagara at any time attempt, during the action, to make off from the British fleet?

A. No.

Q. What was the distance from the Lawrence to the Niagara, when the enemy's fire commenced? and what distance were the Lawrence, Caledonia, and Niagara from the enemy?

A. I should say the distance was 30 or 40 yards between the Lawrence and Niagara. The three vessels were about half or three quarters of a mile from the enemy.

Q. What was the distance from the Lawrence to the Caledonia, and from the Caledonia to the Niagara? and what distance were those vessels from the enemy, when I ordered the Caledonia to bear up and let me pass her?

A. The distance was not more than 20 yards from the Lawrence to the Caledonia, and our jib-boom was over the Caledonia's taffrel. All were nearing the enemy, and something less than half a mile off.

Q. When Capt. Perry came on board the Niagara, did he not find the helm up, and that vessel standing direct for the enemy's ship Detroit?

A. The helm was up, and we were bearing down upon the enemy. The fore-sail was set for that purpose.

Q. By the Court—Did Capt. Elliott do all in his power to close in with the Lawrence, when she was overpowered by the enemy's vessels firing into her?

A. I believe he did.

Q. Did he get up in time to afford her relief?

A. She was nearly disabled, but still firing when he got up.

Q. Was Capt. Elliott's conduct during the action, that of a good officer, in your judgment?

A. It was.

Q. Did you observe any indication of an intention on his part to withdraw from the enemy, at the time the Lawrence was disabled?

A. No; he appeared to be anxious to close in.

Q. By Capt. Elliott—Did the Lawrence and Caledonia, at any time during the action, run down within musket shot of the enemy, and leave the Niagara firing at the enemy's smaller vessels at a distance?

A. No. We were close to the Caledonia during the whole action, till she was ordered out of the way in order to let us pass to the assistance of the Commodore.

B.—8.

Mr. TATEM, Master's Mate on board the Niagara, was sworn.

Q. By the Judge Advocate—Did Capt. Elliott do all in his power to close in with the Lawrence when she was overpowered by the enemy's vessels firing into her?

A. He did.

Q. Did he get up in time to afford her relief?

A. We were never much out of the way. We were immediately under the Caledonia's stern, and the Lawrence about the length of the Caledonia a-head of the latter. The three brigs were in compact line.

Q. Was Capt. Elliott's conduct during the action, such as merited approbation?

A. I thought at the time no man could display more zeal, gallantry and good conduct than he did.

Q. Did you observe any appearance of an intention on his part to withdraw from the enemy, when the Lawrence was disabled?

A. No; far from it.

Q. Did the Niagara, at any time during the action, make off from the British fleet?

A. No.

Q. Did the Lawrence and Caledonia, at any time, bear up, and place themselves within musket shot distance from the enemy, leaving the Niagara three quarters of a mile off, firing at the enemy's smaller vessels?

A. No; until we passed the Caledonia, we were immediately under her stern.

Q. by Capt. Elliott—What conversation passed between me and Capt. Perry, when I returned on board the Niagara?

A. I saw Capt. Perry shake hands with Capt. Elliott, and heard him express his high satisfaction at Capt. Elliott's conduct, and attribute to him a large share of the glory of the day.

Q. How near was Capt. Elliott to the Lawrence when passing her?

A. He took very little more than room enough to pass to the windward.

Q. Was the Niagara three quarters of a mile on the bow of the Lawrence, when Capt. Perry came on board?

A. No; I should suppose not more than 60 or 70 yards, if that.

Q. Was not the helm up, and the Niagara bearing down on the enemy when Capt. Perry came on board?

A. Yes.

Q. Had you been an officer on board the Lawrence, would you have supposed there was any deficiency in the conduct of Capt. Elliott in coming to the relief of the Lawrence?

A. No one seeing what was going on could suppose so—for my own part, I should not.

The Court adjourned until to-morrow morning at half past 9 o'clock.

B.—9.

April 26th, 1815.

Mr. CUMMINGS, acting Midshipman on board the Niagara, was sworn.

Q. by the Court—Did Capt. Elliott do all in his power to gain a near position to the enemy?

A. Yes; in my opinion, every thing that he could do.

Q. Do you believe Capt. Elliott did every thing he ought to have done in the action?

A. Yes.

Q. Did the Niagara attempt to make off from the enemy's fleet during the action?

A. No.

Q. Did the enemy's ship Queen Charlotte attempt to make off from the Niagara?

A. Yes; the Queen Charlotte attempted to get away from us, and in so doing run foul of the Detroit. This was before Capt. Elliott left the Niagara to go on board the gun boats.

Q. Where was the Niagara when Capt. Perry came on board of her? and was the Lawrence at that time three quarters of a mile nearer the enemy than the Niagara.

A. The Niagara was lying along side the enemy's ships Queen Charlotte and Detroit. I think she was not more than two cables length from them. I think we were nearer the enemy than the Lawrence.

Q. When we passed the Lawrence, how near were we to her?

A. I was not looking at her, but the first time I saw her, after we passed her, she was not more than a quarter of a mile off.

Q. Did the Lawrence and Caledonia, at any time during the action, bear up for the enemy, leaving the Niagara standing on to windward.

A. No; not that I saw.

Q. Did Capt. Elliott order the Caledonia out of the line at any period of the action?

A. Yes; an hour before Capt. Perry came on board.

B.—10.

Lieut. FORREST, acting Lieutenant on board the Lawrence, was sworn.

Q. Where were you stationed?

A. In the second division.

Q. Have you read Capt. Perry's official letter, and does it contain a correct statement of facts?

A. I have just read it, and it is correct.

Q. By the Judge Advocate—What else do you know of this inquiry?

A. When we got within three miles of the enemy on the 10th September, Capt. Elliott hailed us concerning the flag that was to be hoisted

on board the Commodore. A flag with the motto, "Don't give up the ship," was hoisted. Com. Perry hailed Capt. Elliott, and told him that he (Com. P.) intended to engage the Detroit, and wished the Niagara to drop just a-stern of him. We went into action in that order. Signals were made from the Lawrence for each vessel to engage its opponent.

Q. Did the Niagara attempt to make off from the British fleet at any time during the action?

A. No.

Q. Do you know whether Capt. Elliott did all in his power to gain a position nearer to the enemy?

A. It is my opinion there might have been more sail set on the Niagara.

Q. Did he do every thing becoming a brave and meritorious officer in that action?

A. So far as I saw I believe he did.

Q. Where was the Niagara when Com. Perry went on board?

A. She was to windward of us. I suppose she was about half a mile off, but I cannot be positive.

Q. Did you, during the action, express your surprise that the Niagara did not close with the enemy?

A. Yes.

Q. How far was the Niagara from the enemy at the time?

A. I do not know. I suppose from three quarters to half a mile.

Q. Was the Niagara then engaged?

A. She was firing.

Q. How near was the Lawrence to the enemy at the same time?

A. At point blank shot distance with a carronade.

Q. Did the Caledonia and Lawrence, at any time during the action, bear up and run down on the enemy, leaving the Niagara standing on?

A. After the action commenced, the Niagara was standing directly after us.

Q. Are Lieuts. Edwards and Smith, and Mr. Magrath, late of the Niagara, dead?

A. Yes.

Q. Is there any thing further relating to this inquiry, that you wish to state to the Court.

A. No.

The Court being cleared, and the whole of the proceedings read over to the Court by the Judge Advocate, the following opinion was pronounced.

B.—11.

OPINION.

The Court of Inquiry, convened at the request of Capt. Jesse D. Elliott, having deliberately examined all the evidence produced before them, for the purpose of investigating his conduct in the glorious battle of Lake Erie, on the 10th September, 1813, in which he bore so conspicuous a part, sincerely regret that there should have been any diversity of opinion respecting the events of that day, and imperious duty compels the Court to promulgate testimony that appears materially to vary in some of its important points. The Court, however, feel convinced that the attempts to wrest from Capt. Elliott the laurels he gained in that splendid victory, as second in command under that gallant and highly meritorious officer Capt. Perry, ought in no wise to lessen him in the opinion of his fellow citizens, as a brave and skilful officer, and that the charge made in the proceedings of the

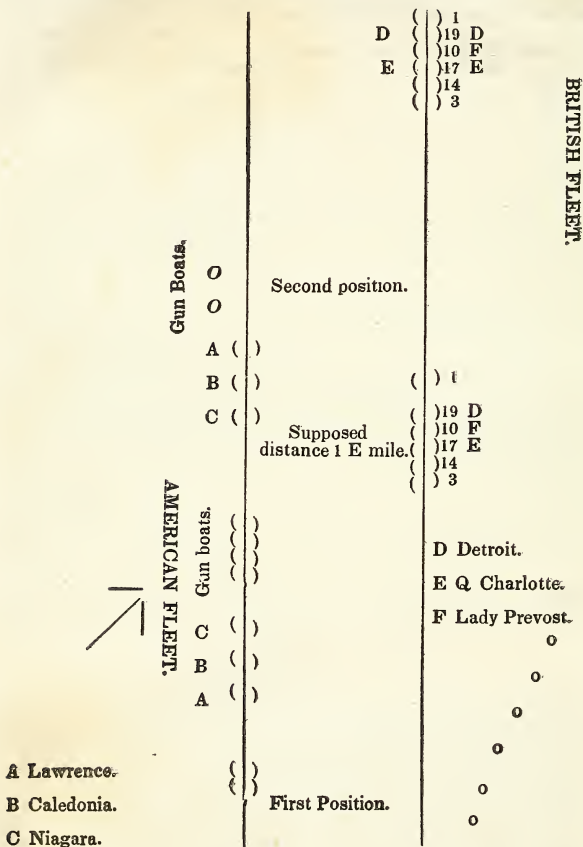
British Court Martial by which Capt. Barclay was tried, of his attempting to withdraw from the battle, is malicious and unfounded in fact. On the contrary it has been proved to the satisfaction of this Court, that the enemy's ship Queen Charlotte bore off from the fire of the Niagara, commanded by Capt. Elliott.

A. MURRAY, President.

HENRY WHEATON, Judge Advocate.
(Approved.)

B. W. CROWNINSHIELD.

The sketch referred to in the testimony on page 437 of this work.



NOTE—The Detroit had an Armament of 12, 18, and 24lb. long guns. The Queen Charlotte had an Armament of 24lb. short guns.

*This is a true copy
of the original in the
War Department.*

C.

The Hon. BENJAMIN W. CROWNINSHIELD,

Secretary of the Navy Department.

Sir,—I have the honor to lay before you copies of a letter lately received by me from Captain Jesse D. Elliott of the Navy, and of certain certificates enclosed therein, with copies also of my letter in reply, and of the affidavits of Lieutenants Turner, Stevens and Champlin, and Dr. Parsons.

The conduct of Captain Elliott, partially presented to view in these papers, and still more clearly marked by other acts of that officer within my knowledge, and fully susceptible of proof, imposes on me the duty of preferring against him the charges which accompany this letter; and I now accordingly do prefer said charges against Captain Elliott, and request that a Court-Martial may be ordered for his trial thereupon.

The facts upon which some of these charges are founded, (particularly those relating to the behaviour of that officer during the engagement on Lake Erie,) having been long in my possession, you will expect me to account for my not having sooner made them known to the government, and for having mentioned favorably, in my official report of that action, an officer whose conduct had been so reprehensible.

At the moment of writing that report, I did in my own mind avoid coming to any conclusion to what cause the conduct of Captain Elliott was to be imputed; nor was I then fully acquainted with all the circumstances relating to it. Having previously to the engagement given all the orders which I thought necessary to enable every officer to do his duty, and feeling confidence in them all, I was, after it commenced, necessarily too much engaged in the actual scene before me, to reflect deliberately upon the cause which could induce Captain Elliott to keep his vessel so distant both from me and the enemy. And after the battle was won, I felt no disposition rigidly to examine into the conduct of any of the officers of the fleet; and, strange as the behaviour of Captain Elliott had been, yet I would not allow myself to come to a decided opinion, that an officer who had so handsomely conducted himself on a former occasion, (as I then in common with the public had been led to suppose that Captain Elliott had) could possibly be guilty of cowardice or treachery. The subsequent conduct also of Captain Elliott; the readiness with which he undertook the most minute services; the unfortunate situation in which he now stood, which he lamented to me, and his marked endeavors to conciliate protection—were all well calculated to have their effect. But still more than all, I was actuated by a strong desire that in the fleet I then had the honor to command, there should be nothing but harmony after the victory they had gained, and that nothing should transpire which would bring reproach upon any part of it, or convert into crimination the praises to which they were entitled, and which I wished them all to share and enjoy. The difficulties produced in my mind by these considerations, were, at the time, fully expressed to an officer of the fleet in whom I had great confidence. If I omitted to name Captain Elliott, or named him without credit, I might not only ruin that officer, but, at the same time, give occasion to animadversions which, at that period, I thought would be little to the honor or advantage of the service. If my official report of that transaction is reverted to, these embarrassments with respect to Captain Elliott, under which I labored in drawing it, will, I believe, be apparent. That report was very different from what had been expected by the officers of the fleet; but, having adopted the course which I thought most prudent to pursue with regard to Captain Elliott, I entreated them to acquiesce in it, and made every exertion in

my power to prevent any further remarks on his conduct—and even furnished him with a favorable letter or certificate for the same purpose, of which he has made a very unjustifiable use.

These, sir, are the reasons which induced me, at the time, not to bring on an inquiry into his conduct. The cause and propriety of my now doing so will, I trust, require but a few explanations. I would willingly, for my own sake as well as his, (after the course I had pursued for the purpose of shielding him,) have still remained silent; but this Captain Elliott will not allow me to do. He has acted upon the idea that by assailing my character, he shall repair his own.

After he was left in the command on Lake Erie, I was soon informed of the intrigues he was there practising, some of which are detailed in these charges. These I should not have regarded as long as they were private; but I then determined, and declared to many of my friends in the navy, that should Captain Elliott ever give publicity to his misrepresentations, I would then demand an investigation of the whole of his conduct. This necessity is now forced upon me.

Believing my hands to be bound, and even braving me with the very certificate afforded to him in charity, this officer at last addresses directly to myself, and claims my acquiescence in the grossest misrepresentations—not only of his own conduct on Lake Erie, but of conduct and declarations which he imputes to me.

Thus has Captain Elliott himself brought his own conduct on Lake Erie again into view, and, by involving with it imputations upon mine, has compelled me to call for this inquiry. He can make no complaint, therefore, of delay in bringing forward any of these charges. Those which regard his conduct on Lake Erie, and his justification, (if he has any,) are besides as perfectly susceptible of proof now as at any earlier period. Whatever the character of that behaviour was, it was witnessed by such numbers as to leave nothing in it equivocal or unexplained. Some of the officers who were with him may still be called upon, and although two or three others are deceased, yet so were they when Captain Elliott himself called for a Court of Inquiry. Certificates also were obtained from those officers by Captain Elliott while living, the originals of which are in the Department, and it may be seen by them that those officers, if present, would have no testimony to give which could at all militate with these charges. There are as many officers deceased from whose testimony Captain Elliott would have much more to fear, than he would have to hope from that of the officers above alluded to. A Court of Inquiry consisting of three officers was once called at the request of Captain Elliott, in consequence (if I recollect rightly) of some allusions to the conduct of the Niagara, supposed to be contained in the British Commodore Barclay's report; and though that inquiry (of which no notice to attend as witnesses was given to any of the commanders of vessels on Lake Erie) could only be a very limited one, and could involve no actual trial upon Captain Elliott's conduct, yet he undoubtedly had before that Court all such witnesses as could testify in his favor, and the record of that testimony (if any of those witnesses are deceased) will avail him. Captain Elliott, therefore, can suffer nothing from the lapse of time, and it would indeed be a strong pretension in him to claim protection from inquiry into his conduct, at the same time that he is giving notoriety to his own representations of it, and that too to the prejudice of others.

I am, Sir, fully sensible how troublesome the frequent examinations into the conduct of the officers has been to the government, and how disagreeable they must have become. I am aware, also, that the public are justly dissatisfied with them, and that reproach has been brought upon the service by means of them. I have, therefore, avoided asking

for this investigation as long as I possibly could do so with any justice to the service, or to my own character.

I have the honor to be, Sir, Your most obedient servant.

O. H. PERRY.

D.

Washington, Jan. 29th, 1821.

SIR,—To bear testimony against the character of a brother officer, is no pleasing task; but there is a paramount obligation that we all owe to our country, which cannot be overlooked but with the implication of personal honour, and to the supremacy of which all private friendship and personal respect must be compelled to bow.

Uninfluenced by other motives, I do now most willingly, (but with regret for the occasion,) offer my testimony with regard to the conduct of Captain Jesse D. Elliott, on the 10th day of September, 1813, during the action with the enemy's squadron on Lake Erie. I was the second Lieutenant of the brig *Lawrence*, Com. Perry's flag vessel, at the time and on the occasion alluded to.—I was the officer of the watch at the moment the enemy was first seen on that day, and reported them to Com. Perry, when our squadron immediately got under weigh and worked out of the bay. After we got out, the wind changed in our favor, and we run down to meet the enemy. After the commencement of the action, Captain Elliott, in the *Niagara*, instead of keeping on with us, and engaging his opponent as directed, put his helm down and sheered to windward of the *Lawrence*, leaving the *Lawrence* exposed to the fire of the enemy's two largest vessels. Some time after the *Lawrence* had been in close action, and much cut up, I said to Com. Perry, "that brig, (meaning the *Niagara*,) will not help us; see how he keeps off; he will not come to close action."—"I'll fetch him up," said Com. Perry; and immediately ordered his boat. As he left the *Lawrence*, he said, "If a victory is to be gained, I'll gain it." As soon as he got on board the *Niagara*, she bore up and run down, and in a short time was in close action between two of the enemy's largest vessels. I was on deck from day-light till after the battle was over; and I believed at the time, and do still most solemnly believe, that Captain Jesse D. Elliott was influenced either by cowardice, and fear prevented him from closing with the enemy, or that he wished to sacrifice the *Lawrence*, and then claim the victory for himself.

It was my firm belief, at the time Com. Perry was making out his report of the action, and I believe other officers were of the same opinion, that Com. Perry endeavoured so to word it, as to screen Capt. Elliott as much as he could, and that this was done solely from feelings of benevolence.

Respectfully, &c.

DULANY FORREST, U. S. N.

E.—1.

In the battle of the 10th September, 1813, on Lake Erie, between the American squadron commanded by Commodore Perry, and the British squadron under Commodore Barclay, the action began when the two squadrons were about a mile apart, by a firing commenced by the enemy; the signal having been made by Commodore Perry, for our vessels to engage as they came up, each against the enemy's ves-

sel, as designated in previous orders, which made the Queen Charlotte the antagonist of the Niagara, commanded by Captain Elliott. It was understood by the American officers before the fight, that it was Captain Perry's intention to bring the enemy to close action as soon as possible. The Lawrence accordingly closed with the Detroit very soon. The Queen Charlotte made sail for the purpose of assisting the Detroit. The Niagara might have relieved the Lawrence from the Queen Charlotte's fire, if she had made proper exertions to bring her to close action; but by keeping her main-top sail aback and her jib brailed up, she kept at too great a distance from the enemy to do him any material injury, and sustained scarcely any herself until the Commodore took command of her, who immediately bore up and passed through the enemy's line, firing both his broadsides with such tremendous effect, as compelled him instantly to surrender.

It was the general opinion of the American officers, and expressed with much indignation, that Captain Elliott did not do his duty in the battle, as a gallant and faithful officer; inasmuch as he did not bring his vessel, as soon as he might have done, into close action, which circumstance *only*, made the result of the battle for a short time doubtful. Soon after the victory, Captain Elliott's conduct was spoken of as well in General Harrison's army, as in the fleet, with great disapprobation and censure. Captain Perry heard of it, and spoke to me of it one evening; said that he was sorry reports were in circulation so ruinous to Captain Elliott's reputation—wished they might be silenced, and desired me to go on shore to the camp, and do all that I could, with propriety, to counteract them—I did so accordingly the next morning. He said the American flag had gained much honor that day, and he wished all his companions in battle to share it with him. Several weeks after this, Captain Perry told me that Captain Elliott wished him to alter that part of his official report which stated that the Niagara did not, until a late period of the engagement, get into close action—and asked me whether I thought that part of his report, incorrect, as it had been agreed to leave the question to be decided by two commissioned officers of the fleet, (Lieutenant Edwards, who was present, and myself, being the officers selected,) I answered, I thought that part of his official report was entirely correct, to which Lieutenant Edwards assented.

Some time after, Captain Perry left the lake, and when the squadron was under Captain Elliott's command, he applied to me and repeatedly urged me to give him a certificate respecting his conduct in the battle. He said that his only reason for wishing one, was to have it in his power to calm his wife's uneasiness, who had heard that his conduct had been questioned; and declared to me, upon his honor, that he would make no other use of it than as a means of relieving her unhappiness. Thus delicately and unpleasantly situated, I wrote such a certificate as I thought I might, for such an occasion, venture to give Capt. Elliott.

DAN. TURNER.

Sworn to before HOLMES WEAVER, *Jus. Peace.*

E.—2.

In the action of the 10th September, 1813, on Lake Erie, I was stationed in the wardroom of the Lawrence, to act as surgeon. I well recollect that the wounded, from the first of their coming down, complained that the Niagara, (commanded by Captain Elliott,) did not come up to her station and close with the Queen Charlotte, although he had been ordered by signal; and this complaint was frequently repeated by them, till the Lawrence struck, and repeatedly by Lieuten-

ants Brooks, Yarnall, and Claxton. It was at the same time observed that the Caledonia was in close action, while the Niagara, a faster sailer, was quite out of the reach of the enemy. After the action closed, the censures upon Captain Elliott's conduct were so general and severe, not only among the Lawrence's officers, but those of the small vessels, that in writing to my friends, the day following, I did not hesitate to say, that Captain Elliott had disgraced himself in the action; and the same sentiment was expressed in the letters of every officer on board who was able to write. These letters were on the point of being sent, when Mr. Hambleton, who had just had a private interview with Commodore Perry, told us the Commodore wished us to be silent on Captain Elliott's conduct; that whatever might have been the appearances during the action, he was then unwilling, after its happy result, to destroy an officer of his rank; and that honor enough had been gained by the action, to permit of its being shared by every one engaged in it.

This request of Commodore Perry was complied with, as far as was practicable; one of Mr. Yarnall's letters, however, had slipped from his hands before this message was received—and was published.

The second day after the action, I attended the wounded of the Niagara, (the surgeon of that vessel having been sick,) and out of twenty cases, not more than one or two, said they were wounded while Captain Elliott was on board the ship. On board all the small vessels which Captain Elliott brought up towards the close of the action, the number of killed and wounded did not exceed two or three. The number of killed and wounded on board the Lawrence, before she struck, was eighty-three.

In conversation with two officers of the Queen Charlotte, a short time after the action, I asked them why the Queen directed her fire wholly upon the Lawrence instead of the Niagara? He replied, "because the Niagara was so far off we could not injure her."

From all these facts, and others, the officers of the Lawrence and some of the other vessels, felt exceedingly disappointed and displeased with the official report of Commodore Perry, on account of the honorable mention there made of Captain Elliott. We have, nevertheless, been willing to believe that the error proceeded from the best motives.

Midshipman Lenox, who commanded one of the small vessels, has repeatedly told me that Captain Elliott had said, in his presence in Buffalo, that he regretted he did not sacrifice the fleet, when it was in his power, and Captain Perry with it.

Sworn to before me,

HOLMES WEAVER, *Just. Peace.*

USHER PARSONS.

E.—3.

When the American squadron had approached the enemy within about a mile, and the enemy had commenced firing, the signal was made by Com. Perry, to "*engage as you come up, every one against his opponent, in the line as before designated;*" agreeable to this signal, the situation of the Niagara should have been abreast of the Queen Charlotte, and within half a cable's length. The Lawrence went gallantly into close action, and her example was followed by the Caledonia, Lieut. Turner; but the Niagara continued to hug the wind, and remained in the position she had taken at the commencement of the action, till a few moments previous to Com. Perry's boarding her. There could not be any rational object in the Niagara's keeping at long shot with the Queen Charlotte, as the amount and description of their force was equal, and being principally carronades, no effect could be

made by them at the distance Capt. Elliott kept his ship. From the number of light sails the Niagara had, and there being a leading wind, Capt. Elliott might at any period of the action have closed with the enemy, and relieved the Lawrence from the dreadful and destructive fire kept up upon her from the united forces of the Detroit and Queen Charlotte.

It was the general opinion of the officers and men of the squadron, that Captain Elliott did not do his duty in the action of the 10th of September; and that had he been impelled by a becoming bravery, he would have made greater exertions to have taken an active part in the fight. Great irritation was produced in the fleet in consequence of it, and this opinion continued to be freely expressed till it was made known that Com. Perry was desirous of protecting Capt. Elliott from the effects of such reports. Every exertion was made by Com. Perry to screen Capt. Elliott from the injurious impressions made by his conduct: but the volunteers in the fleet did not pay the same regard to Com. Perry's wishes as was done by the officers; and many of them having witnessed the conduct of Captain Elliott, gave full expression to their feelings and opinions respecting him.

It was a received opinion in the fleet, that previous to Commodore Perry's going on board the Niagara, she had but one man wounded, and that her opponent, the Queen Charlotte, from the account of the British officers, had suffered but very slightly previous to being engaged in close action with Commodore Perry.

When the action closed, Captain Elliott was on board the Somers, and the accounts from that vessel were very unfavorable to Captain Elliott's bravery, as it was reported he beat the Captain of the gun very severely with a speaking trumpet, for having laughed at his dodging a shot which passed over him from the enemy.

THOS. HOLDUP STEVENS.

E.—4.

In the action of 10th of Sept. 1813, between the American squadron, commanded by Com. Perry, and the British, under Com. Barclay, on Lake Erie, when we were within the distance of a mile from the enemy, who had commenced firing, the signal was made by Commodore Perry, "*engage as you come up, every one against his opponent, in the line before designated.*" The situation of the Niagara should have been abreast of the Queen Charlotte, and of course as near as she could get, as previous to the action I had always understood from Com. Perry that it was his intention to bring the enemy's fleet to close action in case of a conflict. The Lawrence went into close action in the most gallant style, followed by the Caledonia under the command of Lieutenant D. Turner, who kept her in her station, agreeably to signals. The Queen Charlotte made sail and closed up with the Detroit shortly after the action commenced, and directed her fire at the Lawrence. The Niagara still continued to remain a long way astern, and firing at long shot; a short time before Commodore Perry's going on board of her, she ranged ahead of the Lawrence and to windward of her, bringing the Commodore's ship between her and the enemy, when she might have passed to leeward and relieved the Lawrence from their destructive fire. The wind being at that time S. E. and the American squadron steering large, (with the exception of the Lawrence, she being at that time disabled and lying like a log upon the water,) the Caledonia took and maintained her station in the line, which was just astern of the Commodore during the whole of the action. It was the opinion of the officers and men of the

squadron that Captain Elliott did not do his duty in the action on that day, and that had his conduct been that of a brave man, there is no possible reason that can be given why his vessel should not have been brought into close action with the British squadron, before Commodore Perry went on board of her.

Great indignation was expressed by the officers in general, at the base conduct of Capt. Elliott in neglecting to support the Lawrence as he ought to have done. But understanding that the Commodore desired to screen him, they forebore to make any remarks publicly upon his conduct. The volunteers in the fleet, however, not being actuated by the same motives which induced those under Com. Perry's command to remain silent, expressed their feelings without any reserve whatever. At the close of the action, Capt. Elliott was on board of the Somers, and behaved (as was reported by the officers and crew of that vessel) in a manner totally unbecoming an officer, by beating the Captain of the gun severely with a speaking trumpet, for his laughing while he, Capt. Elliott, dodged a shot.

On or about the 1st of October, 1813, while commanding the U. S. Schooner Scorpion, on Lake St. Clair, Capt. Elliott came on board; in the course of the conversation, the battle of Lake Erie being introduced, he observed, "that the officers and men of the Lawrence, including Commodore Perry, were by no means entitled to prize money; and still further, that the other officers and men of the squadron were even entitled to prize money for her, she being a recaptured vessel." He also observed, that in the action he was so far from the enemy that he only fired his 12 pounders during two hours and a half; the reason he assigned was, that he had no signal from the Commodore to change his situation; complained much of Commodore Perry's injustice towards him, and said, "*He only regretted that he had not sacrificed the fleet when it was in his power to have done so, on that account.*" He also expressed sentiments to that effect frequently afterwards at Buffalo, as I was informed by the citizens, and Midshipman Senatt, who was present when the observations were made.

STEPHEN CHAMPLIN.

E.—5.

On the 10th of Sept. 1813, the action on Lake Erie commenced by a firing from the enemy's flag-ship, on the Lawrence, about the distance of a mile. *The signal was previously made by Commodore Perry, for our vessels to engage as they came up, each against his opponent in the British line, designated by the order of the battle*, which made the ship Queen Charlotte the antagonist of the Niagara, commanded by Capt. Elliott; it being understood by the commanders of the American vessels, that it was the intention of Commodore Perry to bring the enemy to close action as soon as possible. The Lawrence immediately closed with the Detroit, and her example was gallantly followed by the Caledonia, Lieutenant Turner, the Scorpion and Ariel. Shortly after the commencement of the battle, the enemy's ship, Queen Charlotte, made sail, and passed ahead of the opponent of the Caledonia, and opened a destructive fire on the Lawrence, in conjunction with the Detroit; but the Niagara, from some mysterious cause, remained in the position she held at the commencement of the action. The conduct of Capt. Elliott, in thus keeping his vessel out of close action, was evidently the cause of the great length of time the action lasted, and made the result, for a time, doubtful. When the Niagara passed to windward of the Lawrence, she appeared to have sustained little or no injury. After the action closed, the censure on the beha-

vior of Capt. Elliott was general and severe, not only by the officers of the Lawrence, but those of the small vessels; so much so, that the officers did not hesitate to say, that Capt. Elliott must have been actuated by cowardly or ambitious motives, until it was made known, through Lieut. Turner, that it was the wish of Commodore Perry to suppress any reports prejudicial to Capt. Elliott. In conversation with some of the British officers, some time after the action, I heard them give, as a reason for the Queen Charlotte's changing her position and firing upon the Lawrence, that in consequence of the Niagara, Capt. Elliott, being at so great a distance, the guns of their vessels could not be used with effect. It was reported that Capt. Elliott, at the close of the action, behaved in an unofficer-like manner on board the Schooner Somers, by beating a Captain of a gun with a trumpet, for laughing as he dodged a shot which passed over him from the enemy. It was the received opinion in the fleet, that the Niagara had but one or two men wounded on board of her, when Commodore Perry took the command, and that she had sustained but slight injury previous to that time. I frequently heard, after Commodore Perry left the station, that Capt. Elliott, then in command, had circulated reports among the citizens as well as officers, respecting the conduct of Commodore Perry immediately after he got on board the Niagara, which were calculated to injure Commodore Perry, and were honorable to himself.

THOS. BREESE.

E.—6.

In the action of the 10th of September, 1813, between the American squadron, commanded by Commodore Perry, and the British, under Commodore Barclay, on Lake Erie, when we were about a mile distant from the enemy he commenced firing. The signal was made by Commodore Perry, "*Engage as you come up, each vessel against her opponent, as previously designated.*" The situation of the Niagara should have been abreast of the Queen Charlotte, and as near as she could get; as, previous to the action, I had always understood that it was Commodore Perry's intention to bring the enemy to close quarters as soon as possible in case of an action.

The Lawrence went gallantly into close action, but the Niagara continued to keep at a much greater distance astern than when the action commenced.

The Queen Charlotte made sail soon after the action began, and closed with the Detroit, for the purpose of directing her fire at the Lawrence in conjunction with the Detroit. The Niagara, by backing her maintopsail and brailing up her jib, was not enabled to fire but at long shots, with her bow guns, for a long time during the action. A few minutes before Commodore Perry went on board the Niagara, she ranged ahead of the Lawrence and to windward of her, bringing the Commodore's ship between her and the enemy, when it was in Capt. Elliott's power to have passed to leeward and relieved the Lawrence from the destructive fire of the Detroit and Queen Charlotte, the wind being at that time S. E. and the American squadron steering large, with the exception of the Lawrence, she being at that time entirely disabled and unmanageable. It was the opinion of the officers and men of the squadron, that Capt. Elliott did not do his duty on the 10th of September, and that, had his conduct been that of a brave man, there is no possible reason that can be given why his vessel was not brought into close action with the British squadron long before Commodore Perry went on board of her, she being equal

in point of sailing with the *Lawrence*. Great indignation was expressed by the officers in general, at the base conduct of Captain Elliott in neglecting to support the *Lawrence*; but understanding from Lieutenant Turner that Commodore Perry wished to screen Capt. Elliott, we forebore to make any remarks publicly on his conduct. The volunteers, however, not being actuated by the same motives that induced those under the command of Commodore Perry to remain silent, expressed their feelings without any reserve whatever. At the close of the action, Captain Elliott was on board of the Schooner *Somers*, and behaved, as I am told by the officers of that vessel, in a manner altogether unbecoming an officer, by beating a Captain of a gun severely with a speaking trumpet for laughing when he (Captain Elliott) dodged a shot.

He also arrested the commanding officer of that vessel (Sailing Master Almey) for intoxication, and I have frequently been informed, by the officers and men of that vessel, that he was in a perfect state of sobriety, and did every thing that a brave man could do to destroy the enemy. I was ordered to that vessel a few hours after the action and found him perfectly sober, but his feelings much wounded by Capt. Elliott's false report. I was told by Lieutenant Champlin and others, that Captain Elliott said he regretted he did not sacrifice the American fleet, and that it was decidedly in his power to have done so. Capt. Elliott applied to me for a certificate of his conduct in that action; I told him that I could not say any thing in his favor, and that I stood ready at any time to give my sentiments before a Court of investigation. After the action I was on board the *Caledonia*, when *Captain Bignall of the British Navy*, remarked, that had Captain Elliott belonged to the *British Navy*, he would have been hanged.

Mr. Magrath, who signed a letter prejudicial to the character of Captain Perry, told me he would sacrifice his right arm if he could withdraw his name from that paper.

THOMAS BROWNELL.

E.—7.

I am requested to state such facts as came within my knowledge relating to the battle of Lake Erie, on the 10th of September, 1813, at which time I was Sailing Master on board the *Lawrence*. Our squadron was then laying in Put-in-Bay, with some small islands, of which Snake Island was the chief, to the leeward. At day light, the enemy's squadron was discovered in the N. W. from the mast head of the *Lawrence*; when Commodore Perry immediately ordered the signal made to get under weigh. After we had got under weigh, he asked me, if I thought we should be able to work out to windward of the islands, in time to gain the weather gage of the enemy. I replied, that I did not think we could, the wind then being at S. W. and light. The Commodore then said he would wear ship, and go to leeward of the islands, as he was determined to bring the enemy to battle that day, even if he gave them the weather gage. The wind, however, at this time hauled to the southward and eastward, and enabled us to clear the islands, and keep the weather gage. At 10 A. M. the enemy, despairing of gaining the wind, hove to in line, with their heads to the westward, at about three leagues distance; the wind then about S. E. and a light breeze. The signal to prepare for action was made from the *Lawrence*, at a quarter before meridian. The enemy's flag ship fired a single shot at the *Lawrence*. *Signal was made for each vessel to engage her opponent, as designated in previous orders*; which made the *Lawrence* opposed to the enemy's new ship *Detroit*, and the *Niag-*

ara to the Queen Charlotte. *Commodore Perry then ordered the word passed by trumpet, through Captain Elliott, for the American squadron to close up, as before prescribed, which was at half cable's length distance.* At meridian, finding the enemy within reach of our carronades, opened our fire, and continued nearing them until within cannister range, and were gallantly supported by the Caledonia, Lieutenant Turner, and by the Ariel and Scorpion, both on our weather bow. Shortly after the action commenced, I observed the Niagara to be a considerable distance astern, *with her maintopsail to the mast, and her jib brailed up: and I am strongly impressed with the belief, that her top gallant sails were never set until Commodore Perry went on board of her, after the Lawrence had been disabled.* Once or twice during the engagement, I asked Captain Perry if he observed the conduct of that ship, and the different conduct of the Caledonia. The enemy's ship, Queen Charlotte, taking advantage of the great distance at which the Niagara kept herself, closed with the Detroit, and opened her fire in concert with that ship upon the Lawrence, which proved so destructive, that, by half past one o'clock, P. M. we were completely disabled, and our decks covered with killed and wounded; but the animating exertions of Captain Perry kept alive the spirits of the small remnant of our crew, and the action was continued until only one gun could be fired, at which Captain Perry assisted himself. He then determined to quit the Lawrence, and take command of the Niagara, which ship he observed did not appear to be much injured. The American flag, he said, should not be hauled down from over his head on that day. At the time of Captain's Perry's leaving the Lawrence, the Niagara was passing our larboard beam, at from a quarter to half a mile's distance; leaving the Lawrence between that ship and the enemy. The Caledonia at the same time passing our starboard beam, and between us and the enemy. I anxiously watched the course of our noble commander, after he left the Lawrence for the Niagara. The enemy had discovered his design, and directed their fire at the boat he was in. He however remained standing up in her stern, until the entreaties of the men prevailed upon him to sit down. I learnt afterwards, that they had implored him with tears not to expose himself as a mark for the enemy's fire; and finally declared that they would lay on their oars, unless he sat down. It was a considerable time, with all the exertions of the boat's crew, before Captain Perry could come up with the Niagara. When he did get on board that ship, he immediately brought her into action; and passing through the enemy's squadron, poured into them a tremendous fire from both sides. In a few minutes, the enemy's vessels surrendered to him, and struck their colors, except two small vessels, which attempted to escape, but were pursued and captured.

I had assisted in the equipment of the Niagara, as well as the Lawrence. The former ship was in all respects fully equal to the latter, in size, in number, weight, and description of guns, in rigging and equipment, and in point of sailing. Before Captain Elliott arrived on Lake Erie, the Niagara was commanded by Lieutenant Turner, and the squadron had already been out one cruise, manned chiefly with volunteer militia. Captain Elliott brought up with him from Ontario from 90 to 100 prime men; the chief part of which he took on board the Niagara, which ship was much better manned than the Lawrence; a great proportion of whose crew was on the sick list, and most of the remainder not effective men; consisting chiefly of volunteer militia of all descriptions, and exhausted by previous exertions. I was on board the Niagara when Captain Elliott took command of her, and when that part of her crew which came from the Ontario first came on board,

and I observed that as they came alongside in their boats, he called out from among them the men previously designated for the different posts and stations about the ship and tops; so that it appeared that his men were already selected. This occasioned my observing to Commodore Perry, that the different vessels of the squadron were very unequally manned, in consequence of so great a proportion of the effective men being engrossed by the Niagara alone. He did not think proper, however, to make any alteration. All necessary orders previous to the engagement were distinctly given in writing, and put into the hands of each commander; and the last words of Commodore Perry to all the officers assembled on the eve of the battle, (as was related to me at the time,) were that he could not advise them better than in the words of Lord Nelson—"If you lay your enemy alongside, you cannot be out of your place." After the firing had commenced on the part of the enemy, at about a mile's distance, Commodore Perry gave an order by trumpet for the vessels astern to close up in the line. *The Niagara was then near enough to the Lawrence to receive and pass this order.* I do not think she was, during the engagement, much nearer to the enemy than she then was, until brought into action by Commodore Perry. It was generally understood, that one or two only of her men had then been wounded. If it had been the desire of the commander of the Niagara to have joined in the action, and engaged the Queen Charlotte, as ordered, I know of no cause which could have prevented his so doing. *The wind, though light, was favorable, and there was as much of it for the Niagara as for the Lawrence.* It was the general opinion of the officers after the battle, that had the Niagara followed the example of the Lawrence, the enemy would have been compelled to surrender in a much shorter time, and with much less loss on our side. So much indignation was excited by the conduct of the Niagara, that even the seamen broke out in open murmurs; but Commodore Perry requested the officers to silence every complaint against Captain Elliott, saying that sufficient honor had been gained for all; and he was desirous that the public attention might not be attracted to any differences in the fleet. His official account, when read at Erie, gave much dissatisfaction to most of the officers. They thought Captain Elliott too honorably mentioned in it.

W. V. TAYLOR, Lieut. U. S. N.

F.—1.

On the evening of the 9th Sept. 1813, Capt. Oliver H. Perry called on board the Niagara to see Capt. Elliott and myself; we not being on board, word was left to call on board the Lawrence on our return; whether we went immediately or not I cannot say, as it was known he was on shore; it is my impression we waited and all three went on board the Lawrence together, where we spent the evening. It was then determined to attack the enemy next day at their anchorage, Capt. Elliott to lead the van.

Early on the morning of the 10th, the vessels were short apeak by signal, and were preparing to get under weigh, when a signal from the Lawrence informed us the enemy were in sight to windward. The wind being very light, boats were got ahead, and every exertion made to get the fleet out, which we succeeded in, when the wind changed in our favor, though very light. We were close together, when by Capt. Perry's request I pointed out the different ships; he determined to attack the heavy ship himself, by which the arrangements of the previ-

ous evening were done away. The Lawrence to lead and attack the Detroit; the Caledonia, the Hunter; the Niagara, the Charlotte, and so on. The enemy opened the fire from the Detroit at a very great distance, and very little damage was done on either side for some time; at length the battle became pretty general with the three leading vessels. Seeing the Lawrence bearing the heaviest part of the battle, (though the Ariel and Porcupine were a little to windward and ahead, to draw part of the enemy's fire off,) Capt. Elliott determined to break the line and make more sail, and ran close to the Caledonia, and requested Mr. Turner to bear up and let him pass to the assistance of the Lawrence, which he did. We had now a better opportunity with the Charlotte, and continued a heavy fire on her. Coming near the Lawrence, a boat was discovered coming off from her, which soon passed under our stern, and came to our larboard gang-way, when Capt. Perry came on board, and observed, "the damned gun boats have ruined me, and I am afraid they have lost me the day." Captain Elliott observed, "take charge of my battery, and I'll bring them up and save it," or words to that effect. Something was then asked about the crew being much injured, &c. when Captain Elliott immediately departed.

Capt. Perry then directed the vessel laid close to the large ship, and observed to me, that she was much injured, and would not give her up. The engagement now became very warm, the gun boats getting up very fast; the smoke clearing a little away, the Lady Prevost was seen dead ahead of us; Captain Perry directed her decks cleared by the marines, which was soon done and her colors struck, or shot away. By this time some of the gun boats were up, particularly the one Capt. Elliott was on board of, raking the large ship, which soon struck her colors, as well as the Charlotte and others.

When Captain Elliott came on board, Captain Perry shook him by the hand, and observed, "I owe this to you." Indeed, I thought he paid him a very high compliment. Lieut. Smith, nor no other person, ever mentioned to me that they heard what was passing at the time between them, when Capt. Perry came on board, as he was on the opposite side at his quarters.

H. B. BREVOORT.

Detroit, Nov. 7, 1818.

Sworn to before GEO. M'DOUGALL, Notary Public, Michigan Territory, Nov. 7, 1818.

F.—2.

Capt. Jesse D. Elliott, United States' Navy.

WASHINGTON-CITY, Jan. 22d, 1821.

Sir,—It was with pain for *your* feelings, disgust at the motives and contempt for its *author*, that I yesterday perused an anonymous pamphlet, purporting to be copies of certain documents left by the late Com. O. H. Perry, relative to a difference which existed between you concerning your conduct on the memorable 10th Sept. 1813. And as I had the honor of being in the fleet, and during part of the engagement under your command, I deem it a duty, and I feel a great pleasure in stating all that I know on the subject, for your satisfaction, as well as for the information of those who may feel interested. As well as I remember, we began the action, the Commodore in front, the Caledonia next, the Niagara and gun boats in succession—my vessel (the Somers) being next to the Niagara. I believe the two larger vessels of the enemy had the van of their line—the wind was light and the Lawrence reached some distance a head, and in action, when it became perfectly calm; and in this situation we continued the engagement some time, (the

Niagara and some of the gun boats keeping up a fire,) when the Commodore was seen to be much shattered; the wind sprung up—the Caledonia bore up, and the Niagara pushed a-head of her, as also did the Somers, we leaving her (the Caledonia) on the star-board quarter; and just after I saw the Commodore board the Niagara, and you, Sir, taking his place in the boat, proceeded to the small vessels, boarded each as you passed and urged us on. You soon returned, came on board the Somers, and ordered us to cease firing, and draw the *round shot out of the guns* and replace them with grape and cannister—the quarter gunner at the 32 being about to fire, did not appear to pay attention to the order, and persisted in firing, whereupon you struck him with a trumpet which you held in your hand; and this is the *laughing scene*, when you are made to *dodge a chain shot*!!—Of your general deportment during the engagement, as far as I saw, there was no want of ardor patriotism, or valor; for when you came on board my vessel, I naturally took your countenance for encouragement, which I fully received; I however did not approve of the punishment of the man at the gun at that moment, though he deserved it for his inattention to orders, and I believe I afterwards stated this to you at Erie. As regards the charge of partiality, I saw of none, I knew of none, and I do not believe that any existed. In relation to the charge of exciting a party against Com. Perry, I heard nothing of it during my stay on the Lake, which was to February, 1814; I knew, however, that many of the officers were your enemies—but I understood it to have proceeded from a supposition that you were too severe a disciplinarian, and not from any other cause;—and at one time I myself entertained a similar opinion; only my more mature reasoning has convinced me that it proceeded from a zeal on your part for the welfare of the Navy, and to the discharge of your duty; these are my sentiments on this disagreeable subject, candidly expressed; and I do hope that they will have the effect on the mind of every honorable man, to prevent any wrong impressions which the author of the insidious pamphlet which drew them forth, intended to make.

You will do me the favor to use this paper as you deem most expedient.

With considerations of respect and esteem, I have the honor to be,

Your very obed't servant.

D. C. NICHOLS.

F.—3.

Statement of Lieut. Conklin, who commanded the Tigress, the vessel a-stern of the Niagara.

At the commencement of the action, between the American and British fleets on Lake Erie, the Brig Niagara was in the station which had been assigned her, and appeared to behave well; when the signal was made for closer action, that vessel was near the enemy's ships Detroit and Queen Charlotte, keeping up a well directed fire; and the conduct of Capt. Elliott in bringing the smaller vessels into close action, evinced the utmost activity and bravery.

A. H. M. CONKLIN.

F.—4.

Norfolk, May, 20, 1821.

Sir,—By a pamphlet recently published, charges are made against you, derogatory to the honors awarded by your country, for the skill and valor you exerted in the memorable action of the 10th of Sept. 1813.

I was on board the Schooner Tigress, commanded by Lieut. Conklin, and from my observation, am fully persuaded that your vessel was ably and judiciously fought.

Your activity in bringing up the gun-boats and placing them in the situation where you so "largely" contributed to the success of the day, has been so well attested by the report of the commander-in-chief on that day, and so generally acknowledged by the public, that my testimony cannot be necessary to establish it.

I regret that the long period which has elapsed, and my partial experience in my profession at the time, put it out of my power to detail other circumstances of the action; but I with great pleasure state that the most favorable impressions remained on my mind in regard to your conduct on the occasion. Sentiments coinciding with these impressions, I had believed universal, till the return of the fleet to Erie, some time in October; when meeting with Lieut. Yarnall on the beach, he informed me some difference had arisen between you and the Commodore, respecting the action; Lieut. Yarnall added, that for his part he had always given you an equal share in the victory, or words to that effect. I observe it stated, that there was no such officer in the fleet as Mr. Nichols; he was on board the Somers during the action, as a reference to the muster roll of officers and men serving on that day will show. No such story as that of your dodging from a chain shot was ever heard by me in the squadron.

When all on that occasion equally exerted themselves to contribute to success, it is much to be deplored that at this distant day, a spirit should have arisen, intended to detract from the reputation of any.

HUGH N. PAGE, Lieut. U. S. Navy.

Capt. J. D. ELLIOTT.

F.—5.

New-York, Feb. 11th, 1821.

Sir,—It is with extreme regret that I have observed in the public prints, the subject of your former controversy with Com. Perry, revived by some person or persons unknown; and I am induced from motives of justice, and an imperious sense of duty to the service, voluntarily to tender you my sentiments with regard to your conduct and occurrences during the action of the 10th Sept. 1813, on Lake Erie.

I recollect perfectly, having the morning watch on board the Niagara, on that day, and at day light or a little after, while at anchor in Put-in-Bay, the enemy's squadron, consisting of six sail, were descried, and reported by the man at mast-head. The signal for weighing was soon made by the Commodore, and immediately complied with by our squadron, after which the necessary preparation for action was made.

Several hours were employed in beating out of the Bay, and obtaining an offing. At 10 A. M. the wind became very light, and suddenly hauled in our favor, when we formed the line in the following order and bore up for the enemy. The Lawrence in the van with the Scorpion and Ariel, (two schooners) close on her weather bow. The Caledonia second and Niagara third in the line, in close order with the Caledonia. The schooners a-stern in irregular order, and making every exertion to gain their proper stations in the line.

At 15 minutes before 12, the first guns were fired from the enemy's flag ship Detroit at the distance, I judge, of 1 mile and a half; at 10 minutes before 12 the firing commenced on our part, and at meridian became general. And a convincing proof that the Niagara participated in the action from the commencement, is, that a very few minutes after the first gun was fired, and before the action became general, I re-

collect that two of the Niagara's foretop-mast back-stays were cut in two by a chain shot, which I believe to have been fired from the Queen Charlotte, she being directly on our lee-beam, and directing her fire principally at the Niagara; and also near the same period several men were killed and wounded in the first and second division. I am thus particular, Sir, in consequence of the erroneous impression which I am induced to believe many people labor under, that the Niagara was not in reach of the enemy's shot, and consequently took no share in the engagement until after the arrival of Commodore Perry on board of her.

The Niagara maintained her position in the action close a-stern of the Caledonia, and a-breast of her adversary, the Queen Charlotte; keeping up an incessant firing and receiving hers until 1 P. M. when the Queen Charlotte evidently, with the view of avoiding the fire of the Niagara, bore up and run on the lee-quarter of the Detroit and commenced firing on the Lawrence.—At this period, Sir, I heard you hail Lieut. Turner, commanding the Caledonia, and order her to bear up and make room for the Niagara to pass a-head to the assistance of the Lawrence, which was immediately done, and the Niagara, as soon as the lightness of the wind would permit, assumed the situation left by the Caledonia in the rear of the Lawrence, and not more I presume, than one hundred and fifty or sixty yards distance from that vessel, which space we gradually lessened, keeping up a constant fire on the Queen Charlotte and Lady Prevost, until the Lawrence was disabled and rendered no longer capable of maintaining her station in the line. You then gave orders to make sail, the top-gallant sails and foresail were accordingly set, and the helm put up, and in a short time you succeeded in obtaining a position within thirty-five or forty yards of the enemy's line, when the Niagara recommenced her fire on the Queen Charlotte, Lady Prevost and Brig Hunter. The Lady Prevost showing a disposition to board us by luffing close under our lee-bow, the first division of boarders and marines were ordered to the fore-castle by you; at this period Commodore Perry was seen to approach the Niagara in a boat, and I recollect perfectly your receiving him at the gang-way, but did not hear the conversation between you and Capt. Perry, being stationed in the first division, some distance from where you were standing at the time.

I was much surprised, Sir, to observe in an anonymous pamphlet recently published, a statement that not more than three or four were killed or wounded at the time of Com. Perry's coming on board the Niagara, as I am most firmly impressed with the belief that there could not have been more than that number injured subsequent to your leaving the Niagara for the purpose of bringing the smaller vessels into close action, and the whole number of killed and wounded on board the Niagara consisted of thirty three or four, including the slight wounds not noticed on the general report of the Surgeon.

A short time after the action, while I was in charge of the Queen Charlotte, having frequent opportunities of conversing with the British officers on the subject of the action—I on many occasions have heard Capt. Buchan, of the Lady Prevost, express himself in terms of the highest commendation of your conduct during the engagement, and he said also, that he with others, had considered the victory nearly won at the time the Lawrence surrendered, and attributed their sudden and unexpected reverse of fortune in a great measure to the prompt and expeditious manœuvring of the Niagara, at that period of the action.

Although, Sir, I am convinced that Com. Perry made every exertion in his power, and did every thing which could be done in the peculiar situation of his ship, exposed as she was to a severe and destructive

fire, it is my firm and unalterable impression, that had it not been for your prompt and expeditious manner of closing with the enemy at the time of the Lawrence's surrender, that the victory could not have been acquired.

With sentiments of respect, I am, Sir, your ob't servant.

JNO. B. MONTGOMERY, *Lieut U. S. N.*

CAPT. J. D. ELLIOTT, *U. S. N.*

F.—6.

SIR,—I regret extremely to learn that there have been attempts made to injure your reputation, and having had the honor to serve under your immediate command on Lakes Erie and Ontario, I feel it my duty to make known to you my sentiments on the subject. As to the circumstances relative to the action upon Lake Erie, on the 10th Sept. 1813, I have no hesitation in expressing my opinion in positive terms, that your conduct on that day, (as well as on all other occasions,) was that of a gallant and skilful commander. I know you maintained the position given you by Capt. Perry, until you ordered the Caledonia to bear up and let you pass, to take a more advantageous position. I do not recollect exactly as to the time of changing your position, &c. but I saw a letter shortly after it was written, addressed to the Navy Department, by the commissioned officers of the Niagara, stating particularly the circumstances relative to the action, which I know to be correct. I saw Capt. Perry when he came on board the Niagara, and I also saw you leave her and pull down the line to alter the positions of the smaller vessels. Being stationed in the fore-top, I could not hear what conversation passed between Captain Perry and yourself, neither previous to leaving your ship, or on your return on board after taking the prizes; but I understood from Lieut. Smith, and also from Midshipman Smith, "who both heard what passed," "that Captain Perry observed, that the day was lost, when you immediately replied, "No, sir, if you will take charge of my battery and permit me to go and bring the small vessels into closer action, the victory will be complete"—or tantamount to them. While on board of the Niagara, your officers and men were animated by your noble example, and in going down the line, and in altering the position of the schooners, which were considerably a-stern of the Niagara, I conceive that you have rendered your country a signal service. It has been said that you endeavoured to excite a party spirit against Capt. Perry, which assertion I believe to be unfounded and malicious; while in company with the commissioned officers, I never heard one of them express an opinion that you had, on any occasion, behaved cowardly; on the contrary, I have heard many of them assert that your conduct had been brave and skilful. Although it may be considered unimportant, I cannot forbear mentioning to you that Captain Barclay and Dr. Young both told me, that there was but one man killed and two wounded on board the Detroit previous to the Niagara's engaging her.

Accept, sir, my best wishes for your future prosperity, and believe me, with the highest sentiments of respect and esteem, your most obedient servant,

S. WARDWELL ADAMS,

Capt. Elliott.

Lieutenant U. S. Navy.

Sworn to, Nov. 25, 1818, before

THOMAS CORCORAN, *Just. Peace*, Washington Co., D. C.

F.—7.

Affidavit of Lieut. Cummings, U. S. Navy.

Came before me, a Justice of the Peace, in and for the City of Washington, County and District of Columbia, John L. Cummings, a Lieutenant in the Navy of the United States, who being duly sworn on the Holy Evangelists of Almighty God, deposeth and saith—That in the action between the British and American squadrons on Lake Erie, that took place on the 10th of September, 1813, he was stationed in the main-top of the Brig Niagara, that he could not see the rest of the squadron a-head, but distinctly heard Capt. Elliott, his commander, (some time before Captain Perry came on board or that vessel,) order the Caledonia out of the way, that he might shoot a-head. That the Niagara was then engaged with the Queen Charlotte and Lady Prevost, the latter vessel intending to cross our bow, Capt. Elliott called boarders away and prevented her; that on Capt. Perry's coming on board the Niagara, he had some conversation with Capt. Elliott, which he, the deponent could not hear, but Lieutenant and Midshipman Smith have both stated to him, that at the time alluded to they heard Capt. Perry say to Capt. Elliott, that "the day was lost," that Capt. Elliott replied, "he thought not, and that he, Capt. Elliott, would bring the small vessels into action," to which proposition Capt. Perry assented. The deponent further says that a short time after Captain Perry came on board the Niagara, he saw Capt. Elliott leave that ship, that he, the said deponent, was about that time wounded, and saw no more of the action. That all the officers of both squadrons with whom this deponent soon afterwards conversed, spoke in the highest terms of the manner in which Capt. Elliott conducted his ship. That this deponent is well convinced that Capt. Elliott never lacked either conduct or exertion, where he could render any service to his country, and that as to his endeavouring to prejudice the officers against Capt. Perry, this deponent never heard any thing of it while on the station; and further deponent saith not.

Sworn to before me, this 25th Nov. 1818.

THOMAS CORCORAN.

F.—8.

Winchester, April 22d, 1821.

DEAR SIR,—It appearing evident to me from some late publications I have observed, that there is a disposition to villify and misrepresent your conduct in the memorable action of the 10th September, on Lake Erie, I am induced to come forward and attest to such facts as could come within my knowledge as Surgeon of the Niagara.

Having been very ill for sometime previous to the engagement, I know nothing of the arrangements prior to it, but on the morning of the 10th, I received a message from you requiring my immediate attention, (if my strength would permit,) to the preparations of all things necessary in my department, preparatory to the approaching contest. Our sick list had been crowded for some days, and twenty-eight or nine were reported on the morning of the engagement; some laboring under violent cholera morbus or dysentery. The number of wounded on board of the Niagara has been falsely estimated at twenty, and it has been stated, that only one or two were wounded previous to Com. Perry's coming on board. The exact number, including those *dangerously* or severely wounded, was twenty-seven, and the slight cases not reported, must have amounted to six or eight more. Five were killed during the action, and a few died soon after; one man was

mortally wounded on the berth deck very early in the contest, by a shot which passed through both sides of the vessel; and it would seem from this that she was not entirely out of the reach of the enemy. The precise period of Com. Perry's coming on board I do not know, but I firmly believe more than half the above number were wounded before he boarded us. This I well recollect, that when Lieut. Webster was brought below, the ward-room and steerage were crowded with wounded, and I have heard him say that at the time he was knocked down, the Commodore had not come on board. The day following, my strength being entirely exhausted, I was again unable to attend duty, and it was not in my power at the time to make a regular return of the killed and wounded. The Surgeon's mate of the Lawrence, Dr. Parsons, was ordered on board a few hours, the Surgeon of that ship being also sick. Midshipman Nichols was the only officer on board the Somers, with Mr. Almey, and I have repeatedly heard him say how much confidence he derived on that occasion, from your countenance and behavior when you came on board; I presume indeed, he must have been in charge of the deck, as I have been told by him. Mr. Almey was too much intoxicated during the action to attend duty.

For a few hours after this, I had but little intercourse with any other than the officers of the Niagara, but I have heard Lieuts. Edwards and Webster, Purser Magrath, and also Lieut. Smith, who had superceded Lieut. Holdup, as 1st of the Niagara, speak in the warmest terms of approbation of your coolness and bravery in the action—and they seemed much disposed to ascribe a large share of the victory to the essential aid you rendered the Commodore during this trying conflict.

This was the general sentiment I heard expressed.

I am, sir, very respectfully, your obed't servant,

ROBERT R. BARTON.

Capt. JESSE D. ELLIOTT, U. S. Navy, Norfolk.

Sworn to, April 24th, 1821, before

EDW. M'GUIRE, *Just. Peace*, Frederick Co., Va.

F.—9.

Affidavit of Peter Berry, Boatswain of the Niagara,

On the 10th of Sept. 1813, I was Boatswain on board of the U. S. Brig Niagara, on Lake Erie, commanded by Capt. J. D. Elliott. At day-light I was called and ordered to call all hands to scrub hammocks and bags; at the same time men were ordered to the mast head to look out. At clear day-light a sail was reported, and orders given by the officer of the deck to look out for others; and in a short time the look out reported five others in the offing. Orders were immediately given to clear the deck, and prepare to get under weigh. In 10 or 15 minutes the squadron were under weigh, and beating out of Put-in-Bay, wind from the southward and westward; continued to beat to windward, until we cleared the Island—when the wind hauled in our favor.—Formed the line in the following order: the Lawrence leading the van, with the Scorpion a-head, and Ariel a little on the weather bow, the Caledonia in succession, and Niagara next the Caledonia, and Schooners a-stern. At half-past 11 A. M. or thereabouts, the enemy's fleet about two and a half miles distant, commenced firing, their shot falling short, but the fleets continued to approach each other; the Niagara's fore-top mast back-stays were in a short time carried away by a chain-shot, I think from the Detroit, she then bear-

ing a little a-head of us, and directly abreast of the *Lawrence*; the *Queen Charlotte* directly abreast of the *Niagara*, our fire was kept up constantly on her. At 15 or 20 minutes past 12, the *Queen Charlotte* shot a-head and directed her fire at the *Lawrence*, on which Capt. Elliott came to the fore-castle and hailed Lieut. Turner, commanding the *Caledonia* to back his main top-sail, or bear up and make room for the *Niagara* to pass a-head to the assistance of the *Lawrence*. He accordingly bore up, leaving the *Niagara* next in line to the *Lawrence*. Sail was then made in order to close with the *Lawrence*, and in a short time, although the wind was light, we succeeded in getting within 20 or 30 yards of the *Lawrence*, and directly in her wake: we continued our fire on the *Queen Charlotte*, until at half past 2 P. M. it was discovered that the *Lawrence* was crippled, when Capt. Elliott gave orders to board fore tack and set top-gallant sails, which was immediately done, when we bore up for the enemy. When very near the British line, it was discovered that Captain Perry had left his vessel and was coming in a small boat along side the *Niagara*, I was called to attend the side—when Capt. Perry came over the side he was met by Capt. Elliott, and Capt. Perry said to him, "I am afraid the day is lost, Sir," "No, Sir," said Capt. Elliott, "I hope it is not:" when Capt. Perry told Capt. Elliott to proceed on board the small vessels, and bring them close into action, which he accordingly did. It was about this period that boarders were called away, in consequence of the enemy's showing a disposition to board the *Niagara*. We continued to keep up a well directed fire until the enemy surrendered.

I am firmly of the belief that not more than four or five men were injured by the enemy's shot on board of the *Niagara*, after Commodore Perry came on board.

Sworn to, the 14th day of May, 1821, before me,

A. MILFORD BLATCHFORD, *Public Notary*.

G.—1.

Extracts from Com. Barclay's letter to Sir George Prevost.

Too soon, alas! was I deprived of the services of the noble and intrepid Captain Finnis, who, soon after the commencement of the action, fell; and with him fell my best hopes. Lieut. Stokes, of the *Queen Charlotte*, was struck senseless by a splinter, which deprived the country of his services at this very critical period, as I perceived the *Detroit* had enough to contend with, without the prospect of a fresh brig. Provincial Lieutenant Irvine, who then had charge of the *Queen Charlotte*, behaved with great courage, but his experience was much too limited to supply the place of such an officer as Captain Finnis. Hence she proved of far less assistance than I expected.

At a quarter before 12, I commenced the action by a few long guns; at a quarter past, the American Commodore, also supported by two schooners, one carrying four long 12 pounders, the other a long 32 and 24 pounder, came close to action with the *Detroit*. *The other brig of the enemy, apparently destined to engage the Queen Charlotte, supported in like manner by two schooners, kept so far to windward as to render the Queen Charlotte's 20 pounder carronades useless.*

The action continued with great fury until half past two, when I perceived my opponent drop astern, and a boat passing from him to the *Niagara*, (*which vessel was at this time perfectly fresh.*) The American Commodore, seeing that, as yet, the day was against him, (his vessel having struck soon after he left her,) and also the very defence-

less state of the Detroit, which ship was now a perfect wreck, principally from the raking fire of the gun boats; and also, that the Queen Charlotte was in such a situation, that I could receive very little assistance from her, and the Lady Prevost being, at this time, too far to leeward, from her rudder being injured, made a noble, and, alas! too successful an effort to regain it, for he bore up, and, supported by his small vessels, passed within pistol shot, and took a raking position on our bow.

G.—2.

Extract of a letter from Lieut. Inglis, of the Detroit, which accompanied Com. Barclay's letter to Sir Geo. Prevost.

H. M. Late Ship Detroit, Sept. 10, 1813.

— On coming on the quarter deck after your being wounded, the enemy's second brig, at that time on our weather beam, shortly after took a position on our weather bow, to rake us; to prevent which, in attempting to wear to get our starboard broadside to bear upon her, a number of guns on the larboard broadside being at this time disabled, we fell on board the Queen Charlotte, at this time running up to leeward of us. In this situation the two ships remained for some time. As soon as we got clear of her, I ordered the Queen Charlotte to shoot ahead of us, if possible, and then attempted to back our fore-top-sail, to get astern; but the ship lying completely unmanageable, every brace cut away, the mizen-top-mast and gaff down, all the masts badly wounded, not a stay left forward, hull shattered very much, a number of the guns disabled, and the enemy's squadron raking both ships ahead and astern, none of our own in a situation to support us, I was under the painful necessity of answering the enemy, to say we had struck; the Queen Charlotte having previously done so.

I have the honor, &c.

GEORGE INGLIS.

G.—3.

From a London paper.

NAVAL COURT MARTIAL.

A Court Marital was held at Portsmouth, on Friday, on board his Majesty's ship Gladiator, for the trial of Captain R. H. Barclay, and his remaining officers and men, for the loss of the squadron of British gun boats on Lake Erie, on the 10th Sept. 1813, in an action with the American flotilla of vastly superior force. It appeared from the public letters read to the Court, that Captain Barclay's situation was as singular, as his gallantry and good conduct were conspicuous. He was appointed to command the squadron on Lake Erie, immediately on the arrival of Commodore Sir James Yeo on Lake Ontario. It had been offered to and refused by Capt. Mulcaster, on account of the exceeding bad equipment of the vessels. Captain Barclay joined his command with a lieutenant, a surgeon, and nineteen rejected seamen of the Lake Ontario squadron, in June, 1813, and immediately dispatched to Sir James Yeo an account of the deplorable state of the vessels, and that they were then all blockaded in Amherstburg, by the American flotilla, where General Proctor's army was stationed. Subsequently about fifty seamen of the Dover troop ship joined him, but he had not more than one hundred and fifty British seamen distributed in his quadron; the remainder being Canadians and soldiers. The American force was double the amount of his in the number of ships and guns, and there was no comparison in respect to the quality of the seamen. However,

on the 9th of September, he was compelled to sail from Amherstburg, to endeavor to open a communication with Long Point, for the purpose of obtaining a supply of provisions and necessaries, both for his squadron and General Proctor's army. The winter was rapidly approaching; the navy had been for some time on short allowance, and the supplies by land were by no means equal to the consumption, particularly as there were fourteen thousand Indians with the army, who could not brook any abridgment of their rations or indulgencies; indeed, the very inhabitants of the neighboring settlement were feeding from the government stores. Under these pressing exigencies, with the advice of General Proctor, Captain Barclay sailed; he hoped either to pass the American squadron, or so disable them as to effect his passage to Long Point. On the following morning he fell in with the enemy, and having the weather gage, bore down to commence the action; but unfortunately, the wind veered directly round, and brought our squadron to leeward. The commencement however was propitious; the American Commodore was obliged to leave his ship, which soon after surrendered, and hoist his flag on board another of his squadron, which had not been engaged, and was making way, when unfortunately, the *Queen Charlotte* and *Detroit*, our two best ships, having had all their officers killed and wounded, fell on board of each other, and were unable to clear; at the same time the greater number of their guns were dismounted, and the *Lady Prevost* had fallen to leeward, having lost her rudder. The Americans seeing this situation of our ships, renewed the action with the assistance of their gun boats, by which the whole of our squadron was obliged to surrender. General Proctor not being able to obtain the supplies, was under the necessity of making a retrograde movement, a circumstance which strongly evidenced the necessity there was for the attempt that was made. Commodore Sir James Yeo, in his letter to Admiral J. B. Warren, relating the event, states that, in his opinion, Capt. Barclay was wrong to sail from Amherstburg, and it was in consequence thereof the Court Martial took place. The court pronounced the following sentence:

That the capture of his Majesty's late squadron was caused by the very defective means Captain Barclay possessed to equip them on Lake Erie; the want of a sufficient number of able seamen, whom he had repeatedly and earnestly requested of Sir James Yeo to be sent to him; the very great superiority of the enemy to the British squadron, and unfortunate early fall of the superior officers in the action; that it appeared the greatest exertions had been made by Captain Barclay, in equipping and getting into order the vessels under his command; that he was fully justified, under the existing circumstances, in bringing the enemy to action; that the judgment and gallantry of Captain Barclay in taking the squadron into action, and during the contest, were highly conspicuous, and entitle him to our highest praise, and that the whole of the officers and men of his Majesty's late squadron, conducted themselves in the most gallant manner, and did adjudge the same Captain Robert Heriot Barclay, his surviving officers and men, to be most fully and honorably acquitted. Rear Admiral Foot, President.

I.

"Legation of the United States, Paris, April 25, 1835.

His Excellency, The Duc de Broglie, &c.

SIR,—About to return to my own country, I am unwilling to leave

this, without adding one more effort to the many I have heretofore made to restore to both that mutual good understanding which their best interests require, and which probable events may interrupt, and perhaps permanently destroy.

From the correspondence, and acts of His Majesty's Government, since the message of the President of the United States was known at Paris, it is evident that an idea is entertained of making the fulfillment of the treaty of 1831 dependent on explanations to be given of terms used in the message, and of withholding payment of an acknowledged debt until satisfaction be given for a supposed indecorum for demanding it. The bare possibility that this opinion might be entertained and acted upon by his Majesty's Government, renders it incumbent on me to state explicitly what I understand to be the sentiments of mine on this subject.

Erroneous impressions arising from the want of a proper attention to the structure of our Government, to the duties of its Chief Magistrate, to the principles it has adopted, and its strict adherence to them in similar cases, might raise expectations which could never be realized, and lead to measures destructive to all harmony between the parties. This communication is made in full confidence that it is the wish of his Majesty's Government, as it most sincerely is that of the President, to avoid all measures of that description, and it is hoped, therefore, that it will be received in the spirit by which it is dictated—that of conciliation and peace.

The form of our Government, and the functions of the President as a component part of it, have, in their relation to this subject, been sufficiently explained in my previous correspondence, especially in my letters to the Comte de Rigny on the 29th of January last. I have, therefore, little to add to that part of my representation which is drawn from the form of our Government, and the duties of the President in administering it. If these are fully understood, the principles of action derived from them cannot be mistaken.

The President, as the chief executive power, must have a free and entirely unfettered communication with the co-ordinate powers of Government. As the organ of intercourse with other nations, he is the only source from which a knowledge of our relations with them can be conveyed to the legislative branches. It results from this, that the utmost freedom from all restraint in the details into which he is obliged to enter, of international concerns, and of the measures in relation to them, is essential to the proper performance of this important part of his functions. He must exercise them without having continually before him the fear of offending the susceptibility of the powers whose conduct he is obliged to notice. In the performance of this duty he is subject to public opinion, and his own sense of propriety for an indiscreet, to his constituents for dangerous, and to his constitutional judges for an illegal exercise of the power; but to no other censure, foreign or domestic. Were any foreign powers permitted to scan the communications of the Executive, their complaints, whether real or affected, would involve the country in continual controversies; for, the right being acknowledged, it would be a duty to exercise it by demanding a disavowal of every phrase they might deem offensive, and an explanation of every word to which an improper interpretation could be given. The principle, therefore, has been adopted, that no foreign power has a right to ask for explanations of any thing that the President, in the exercise of his functions, thinks proper to communicate to Congress, or of any course he may advise them to pursue. This rule is not applicable to the United States alone, but, in common with it to all those in which the consti-

tutional powers are distributed into different branches. No such nation, desirous of avoiding foreign influence or foreign interference in its councils; no such nation possessing a due sense of its dignity and independence, can long submit to the consequences of other interference. When these are felt, as they soon will be, all must unite in repelling it, and acknowledge that the United States are contending in a cause common to them all, and more important to the liberal Governments of Europe than even to themselves; for it is too obvious to escape the slightest attention that the monarchies of Europe, by which they are surrounded, will have all the advantage of this supervision of the domestic counsels of their neighbors without being subject to it themselves. It is true that in the representative government of Europe, executive communications to legislative bodies, have not the extension that is given to them in the United States, and that they are, therefore less liable to attack on that quarter, but they must not imagine themselves safe. In the opening address, guarded as it commonly is, every proposition made by the Ministry, every resolution of either Chamber, will offer occasions for the jealous interference of national punctilio, for all occupy the same grounds.

No intercommunication of the different branches of Government will be safe, and even the courts of justice will afford no sanctuary for freedom of decision and of debate; and the susceptibility of foreign powers must be consulted in all the departments of Government. Occasions for intervention in the affairs of other countries are but too numerous at present without opening another door to encroachments; and it is no answer to the argument to say that no complaints will be made but for reasonable cause, and that of this, the nation complained of being the judge, no evil can ensue. But this argument concedes the right of examining the communications in question, which is denied: allow it, and you will have frivolous as well as grave complaints to answer, and must not only heal the wounds of a just national pride, but apply a remedy for those of a morbid susceptibility. To show that my fear of the progressive nature of the encroachments is not imaginary, I pray leave to call your Excellency's attention to the enclosed report from the Secretary of State to the President. It is offered for illustration not for complaint. I am instructed to make none. Because the Government of France has taken exception to the President's opening message, the Charge d'Affaires of France thinks it his duty to protest against a special communication, and to point out the particular passages in a correspondence of an American Minister with his own Government to publication which he objects. If the principle I contest is just, the Charge d'Affaires is right; he has done his duty as a vigilant supervisor of the President's correspondence. If the principle is admitted, every diplomatic agent at Washington will do the same, and we shall have twenty censors of the correspondence of the Government and of the public press. If the principle is correct, every communication which the President makes, in relation to our foreign affairs, either to the Congress or the public, ought in prudence to be previously submitted to these Ministers in order to avoid disputes, and troublesome and humiliating explanations. If the principle be submitted to, neither dignity nor independence is left to the nation. To submit even to a discreet exercise of such a privilege, would be troublesome and degrading, and the inevitable abuse of it could not be borne. It must, therefore, be resisted at the threshold, and its entrance forbidden into the sanctuary of domestic consultations. But, whatever may be the principles of other Governments, those of the United States are fixed—the right

will never be acknowledged, and any attempt to enforce it, will be repelled by the undivided energy of the nation. I pray your Excellency to observe, that my arguments does not deny a right to all foreign powers of taking proper exceptions to the governmental acts and language of another. It is to their interference in its consultations, in its proceedings, while yet in an inchoate state, that we object. Should the President do an official executive act : affecting a foreign power, or use exceptionable language in addressing it through his Minister or through theirs, should a law be passed injurious to the dignity of another nation, in all these, and other similar cases, a demand of explanation would be respectfully received and answered in the manner that justice and a regard to the dignity of the complaining nation would require.

After stating these principles, let me add that they have not only been theoretically adopted, but that they have been practically asserted. On two former occasions, exceptions of the same nature were taken to the President's Message by the Government of France, and in neither did they produce any other explanations than that derived from the nature of our Government, and this seems on those occasions to have been deemed sufficient, for in both cases the objections were virtually abandoned. One, when Messrs. Marshall, Gerry and Pinkney were refused to be received ; and again, in the negotiation between Prince Polignac and Mr. Rives, in the former case, although the Message of the President was alleged as the cause of the refusal to receive the Ministers, yet, without any such explanation, their successors were honorably accredited. In the latter case, the allusion in the message to an apprehended collision, was excepted to ; but the reference made by Mr. Rives to the constitutional duties of the President seems to have removed the objection.

Having demonstrated that the United States cannot, in any case, permit their Chief Magistrate to be questioned by any Foreign Government, in relation to his communications with the co-ordinate branches of his own, it is scarcely necessary to consider the case of such an explanation being required as the condition on which the fulfilment of a treaty or any pecuniary advantage was to depend. The terms of such a proposition need only be stated to show that it would be not only inadmissible, but rejected as offensive to the nation to which it might be addressed. In this case it would be unnecessary, as well as inadmissible. France has already received, by the voluntary act of the President, every explanation which the nicest sense of national honor could desire. That which could not have been given to a demand, that which can never be given on the condition now under discussion, a fortunate succession of circumstances, as I shall proceed to show, has brought about.

Earnestly desirous of restoring good understanding between the two nations, as soon as a dissatisfaction with the President's Message was shown, I suppressed every feeling which the mode of expressing that dissatisfaction was calculated to produce, and without waiting for instructions, I hastened, on my own responsibility, to make a communication to your predecessor in office on the subject. In this, under the reserve that the President could not be called on for an explanation, I did in fact give one, that I thought would have removed all injurious apprehensions. This is the first of the fortunate circumstances to which I have alluded—fortunate in being made before any demand implying a right to require it ; fortunate in its containing, without any knowledge of the precise part of the Message which gave offence, answers to all that have since come to my knowledge. I can easily con-

ceive that the communication of which I speak, made as I expressly stated without previous authority from my Government, might not have had the effect which its matter was intended to produce, but it has since (as I have now the honor to inform your excellency) received from the President his full and unqualified approbation; but it is necessary to add that this was given before he had any intimation of an intention to attach it as a condition to the payment of the indemnity due by the treaty; given not only when he was ignorant of any such intent, but when he was informed by France that she intended to execute the treaty, and saw by the law which was introduced, that it was not to be fettered by any such condition. Thus, that is already done, by a voluntary act, which could not have been done when required as a right, still less when made, what will unquestionably in the United States be considered degrading as a condition. At this time, sir, I would for no consideration enter into the details I then did. If I could now so far forget what, under present circumstances, would be due to the dignity of my country, I should be disavowed, and deservedly disavowed, by the President. It is happy, therefore, I repeat, that the good feeling of my country was evinced in the manner I have stated, at the only time when it could be done with honor; and though present circumstances would forbid my making the communication I then did, they do not prevent my referring to it for the purpose of showing that contains, as I have stated it does, every thing that ought to have been satisfactory. Actual circumstances enable me to do this now. Future events, which I need not explain, may hereafter render it improper; and it may be nugatory, unless accepted as satisfactory before the occurrence of those events. Let it be examined with the care which the importance of giving it a true construction requires.

The objections to the Message, as far as I can understand, for they never have been specified, are,

First, that it impeaches the good faith of his Majesty's Government.

Secondly, that it contains a menace of enforcing the performance of the treaty by reprisals.

On the first head, were I now discussing the terms of the Message itself, it would be easy to show that it contains no such charge. The allegation that the stipulations of a treaty have not been complied with, that engagements made by the Ministers have not been fulfilled, couched in respectful terms, can never be deemed offensive, even when expressly directed to the party whose infractions are complained of, and consequently can never give cause for a demand of explanation; otherwise, it is evident that no consideration of national injuries could ever take place.—The Message, critically examined on this point, contains nothing more than such an enumeration of the causes of complaint. As to its terms, the most fastidious disposition cannot fasten on one that could be excepted to. The first refusal and subsequent delay are complained of, but no unworthy motives for either are charged. On the whole, if I were commissioned to explain and defend this part of the Message, I should say, with the conviction of truth, that is impossible to urge a complaint in milder or more temperate terms; but I am not so commissioned. I am endeavoring to show not only that every proper explanation is given in my letter to Mr. De Rigny, of the 29th of January last, but that, in express terms, it declares that the sincerity of his Majesty's Government, in their desire to execute the treaty, was not doubted. Suffer me to draw your Excellency's attention to the passages alluded to. In discussing the nature of Mr. Surrurier's engagement, I say "it is clear, therefore, that more was required than the expression of a desire on the part of his Majesty's Ministers, to execute the treaty; *a desire, the sincerity of which was never doubted,*

but which might be unavailing, as its accomplishment depended on the vote of the Chambers." Again, in speaking of the delay which occurred in the month of December, I say, "It is referred to, I presume in order to show that it was produced by a desire, on the part of his Majesty's Ministers, the better to assure the passage of the law; of this sir, I never had a doubt, and immediately so advised my government, and informed it, as was the fact, that I perfectly acquiesced in the delay."

Thus it must be evident, not only that no offensive charge of ill faith is made in the Message, but that, as is expressly stated in the first extract, full justice was done at Washington, to the intentions of the French Government. While the delay is complained of as wrong, no improper motives are attributed to the Government in causing it. Again, sir, the whole tenor of that part of my letter which relates to the execution of the promise made by M. Surrurier, while it asserts the construction put upon it by the President to be a true one, and appeals to facts and circumstances to support that construction; yet it avoids charging the French Government with any intentional violation, attributing their delay to an erroneous construction only; for in the letter (I again quote literally) I say "I have entered into this detail with the object of showing that although the Ministers of the King under their interpretations which they seem to have given to Mr. Surrurier's promise, may have considered themselves at liberty to defer the presentation of the law until the period which they thought would best secure its success, yet the President interpreting that promise differently, feeling that in consequence of it he had forborne to do what might be strictly called a duty, and seeing that its performance had not taken place, could not avoid stating the whole case clearly and distinctly to Congress." Thus, sir, the President, in stating the acts of which he thought his country had a right to complain, does not make a single imputation of improper motive, and to avoid all misconstruction, he offers a voluntary declaration that none such were intended.

The part of the Message which seems to have caused the greatest sensation in France, is that in which, after a statement of the causes of complaint, it enters into a consideration of the measures to obtain redress, which, in similar cases, are sanctioned by the laws of nations. The complaint seems to be, that in a discussion of the efficacy and convenience of each, a preference was given to reprisals, considered as a remedial, not as a hostile measure; and this has been constructed into a menace. If any explanations were necessary on this head, they are given in the Message itself. It is there expressly disavowed, and the power and character of France are appealed to, to show that it never could be induced by threats to do what its sense of justice denied. If the measure to which I have more than once alluded, should be resorted to, and the humiliation attending a compliance with it could be endured, and if it were possible, under such circumstances, to give an explanation, what more could be required than is contained in the Message itself, that it was not intended as a menace? If the measure to which I allude should be adopted, and submitted to, what would His Majesty's government require? The disavowal of any intent to influence the Councils of France by threats? They have it already. It forms a part of the very instrument which caused the offence, and I will not do them the injustice to think that they could form the offensive idea of requiring more. The necessity of discussing the nature of the remedies for the non-execution of the treaty, the character and spirit in which it was done, are explained in my letter so often referred to, and I pray your Excellency to consider the concluding part of it, beginning with the quotation I have last made. But if I wanted any argument to show that no explanation of this part of the Message

was necessary, or could be required, I should find it in the opinion, certainly a just one, expressed by his Majesty's Ministers, that the recommendation of the President, not having been adopted by the other branches of the government, it was not a national act, and could not be complained of as such. Nay, in the note presented by Mr. Serrurier to the government at Washington, and the measures which it announces, (his recall, and the offer of my passports,) the government of His Majesty seems to have done all that they thought its dignity required; for they, at the same time, declared that the law providing for the payment will be presented, but give no intimation of any previous condition, and annex none to the bill which they present. The account of dignity being thus declared, by this demonstration, to be settled, it cannot be supposed that it will again be introduced as a set off against an acknowledged pecuniary balance.

Before I conclude my observations on this part of the subject, it will be well to inquire in what light exceptions are taken to this part of the Message—whether as a menace generally, or to the particular measure proposed. In the first view, every measure that a government having claims on another, declares it must pursue, if those claims are not allowed, (whatever may be the terms employed,) is a menace. It is necessary, and not objectionable, unless couched in offensive language. It is a fair declaration of what course the party making it intends to pursue, and except in cases where pretexs are wanted for a rupture, have rarely been objected to, even when avowedly the act of the nation; not, as in this case, a proposal made by one branch of its government to another. Instances of this are not wanting, but need not be here enumerated. One, however, ought to be mentioned, because it is intimately connected with the subject now under discussion. While the commerce of the United States was suffering under the aggressions of the two most powerful nations of the world, the American government, in this sense of the word, menaced them both. It passed a law, in express terms, declaring to them, that unless they ceased their aggressions, America would hold no intercourse with them; that their ships should be seized if they ventured into American ports; that the productions of their soil or industry should be forfeited. Here was an undisguised measure, in clear, unequivocal terms, and of course, according to the argument against which I contend, neither France nor England could deliberate, under its pressure, without dishonor. Yet the Emperor of France, certainly an unexceptionable judge of what the dignity of his country required, did accept the condition, did repeal the Berlin and Milan decrees, did not make any complaints of the act as a threat, though it called it an injury.

Great Britain, too, although at that time on no friendly terms with the United States, made no complaint that her pride was offended—her Minister on the spot even made a declaration that the obnoxious orders were repealed. It is true it was a disavowal, but the disavowal was accompanied by no objections to the law as a threat. Should the objection be to the nature of the remedy proposed, and that the recommendation of reprisals is the offensive part, it would be easy to show that it stands on the same ground with any other remedy; that it is not hostile in its nature, that it has been resorted to by France to procure redress from other powers, and by them against her, without producing war, but such an argument is not necessary. This is not the case of a national measure, either of menace or action—it is a recommendation only of one branch of Government to another; and France has itself shown that a proposal of this nature could not be noticed as an offence. In the year 1808 the Senate of the United States annexed to the bill of non-intercourse a section which not only

advised but actually authorized the President to issue letters of marque and reprisals against both France and England, if the one did not repeal the Berlin and Milan Decrees, and the other did not revoke the Orders in Council. This clause was not acceded to by the Representatives, but was complete as the act of the Senate; yet neither France nor England complained of it as an indignity—both powers had Ministers on the spot, and the dignity of neither seems to have been offended.

If the view I have now taken of the subject be correct, I have succeeded in conveying to His Majesty's Ministers the conviction I myself feel, that no right exists in any foreign nation to ask explanations of, or even to notice, any communications between the different branches of our Government; that to admit it even in a single instance would be a dangerous precedent, and a derogation from national dignity; and that in the present instance an explanation that ought to be satisfactory has been voluntarily given; I have then demonstrated that any measure founded on such supposed right is not only inadmissible, but is totally unnecessary, and consequently, that his Majesty's Ministers may at once declare that previous explanations given by the Minister of the United States, and subsequently approved by the President, had satisfied them on the subject of the Message.

The motives of my Government during the whole controversy, have been misunderstood or not properly appreciated, and the question is daily changing its character. A negotiation, entered into for pecuniary compensation to individuals, involved no positive obligation on their Government to prosecute it to extremities. A solemn treaty, ratified by the constitutional organs of the two powers, changed the private into a public right. All doubts as to their justice seem now to have been removed: and every objection to the payment of a debt acknowledged to be just, will be severely scrutinized by the impartial world. What character will be given to a refusal to pay such a debt on the allegation, whether well or ill founded, of an offence to national honor, it does not become me to say. The French nation is the last that would ever appreciate national honor by any number of millions it could withhold, as a compensation for an injury offered to it. The United States, commercial as they are, are the last that would settle such an account. The proposition I allude to would be unworthy of both, and it is sincerely to be hoped that it will never be made.

To avoid the possibility of misapprehension, I repeat, that this communication is made with the single view of apprising His Majesty's Government of the consequences attending a measure, which, without such notice, they might be inclined to pursue: that, although I am not authorized to state what measures will be taken by the United States, yet I speak confidently of the principles they have adopted, and have no doubt they will never be abandoned.

This is the last communication I shall have the honor to make. It is dictated by a sincere desire to restore a good intelligence, which seems to be endangered by the very means intended to consolidate it.

Whatever be the result, the United States may appeal to the world to bear witness, that in the assertion of the rights of their citizens and the dignity of their Government, they have never swerved from the respect due to themselves, and from that which they owe to the Government of France.

I pray your excellency to receive the assurances of high consideration with which I have the honor to be,

Your most obedient servant,
EDWARD LIVINGSTON.

J.

Navy Department, April 7, 1818.

CAPT. JESSE D. ELLIOTT, U. S. NAVY.

SIR,—In complying with a resolution of Congress, passed on the 29th day of January, 1813, and on behalf of the President of the United States, I have the honor of handing to you "an elegant sword, with suitable emblems and devices, in testimony of the just sense entertained by Congress of your gallantry and good conduct, in boarding and capturing the British brigs *Detroit* and *Caledonia*, while anchored under the protection of *Fort Erie*."

Among the various official duties devolving upon me, I have a high degree of satisfaction in the performance of this; and at the same time I add the assurance of my personal esteem and respect for your honorable service as an officer, and your character as a gentleman. With the best wishes for your prosperity and happiness, I have the honor to be, &c.

B. W. CROWNINSHIELD.

Norfolk, April 13, 1813.

SIR,—Your letter, and the sword which you presented to me, in compliance with a resolution of Congress, have both been received. I want terms to express the mingled sentiments of gratitude and pride inspired by this token of public confidence. Next to the consciousness of having endeavored to do his duty, every officer must value the approbation of his country. I know, indeed, that the success which has procured me this honor should be ascribed to the gallantry and good conduct of those whom it was my good fortune to command, rather than to my personal skill, and that I owe this distinction more to the generosity of Congress than to my own merit; but this very consideration will animate my future efforts to justify the distinction which my country has deigned to confer on me.

For the kind and flattering manner in which you have been pleased to make the communication, I beg you to accept my acknowledgments.

I have the honor to be, respectfully your obedient servant,

J. D. ELLIOTT.

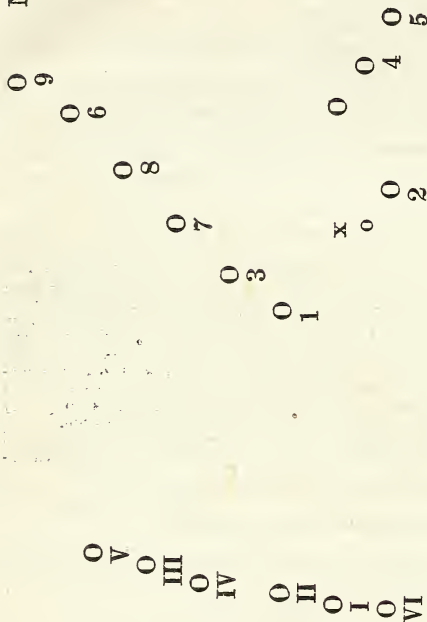
Hon. B. W. CROWNINSHIELD, Sec'y of the Navy.

The inscription upon this sword is *HOSTIUM SUB MANIBUS NAVES INVASIT ET PATRIÆ DEDIT*.

K.

SAUGERIDA, OR THE WOOD DEMON, a melo-drama, founded upon a German legend. The substance of the fable is that a demon, inhabiting a forest, and called Saugerida, promised to a German robber the gratification of all his wishes, upon his annually sacrificing a child upon the altar of the demon. Many children were murdered; but at length the robber, who had become a powerful noble, having failed to furnish a victim within the time stipulated, was destroyed by the demon. Saugerida is no bad emblem of Boston Federalism, continually seeking the destruction of Democrats; and the German count may well represent the instruments whom it uses, and throws away when no longer useful.

No. 1.



No. 2.

IV O

V O

VI O

I O

II O

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4 O

5 O

6 O

7 O

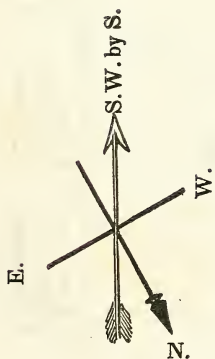
8 O

9 O

III O

1 Lawrence.	4 Ariel.	7 Somers.	I Detroit.	IV Hunter.
2 Niagara.	5 Scorpion.	8 Porcupine.	II Queen Charlotte.	V Chippeway.
3 Caledonia.	6 Tigress.	9 Trippe.	III Lady Prevost.	VI Little Belt.

No. 3.



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IV Hunter.
V Little Belt.
VI Chippeway.

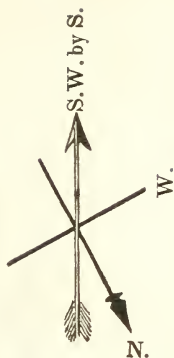
I Detroit.
II Queen Charlotte.
III Lady Prevost.

7 Somers.
8 Porcupine.
9 Trippe.

4 Ariel.
5 Scorpion.
6 Tigress.

1 Lawrence.
2 Niagara.
3 Caledonia.

No. 4.



0 9	0 8	0 7	0 6	0 1	0 3	0 2	0 5	0 4
0 VI	0 IV	0 III	0 II	0 I	0 V	0 I	0 V	0 V

1 18 32lb. car. 2 long 12's.	4 3 long 12's.	7 1 long 32.
2 Ditto.	5 1 long 12, 1 long 24.	8 Ditto.
3 3 long 12's.	6 Ditto. 1 long 32.	9 Ditto.

No. 5.

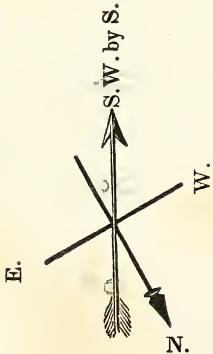
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IV 0
II 0
I 0
2 0
III 0

VI 0
V 0

1 0



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- I 19 long guns, 12's, 18's, 24's.
 - II 17 24lb. car.
 - III 14 Ditto. and long 24's.
 - IV 10 long 24's.
 - V 3 Ditto.
 - VI 1 long 32, 2 long 6's.



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